

50 Cents.

THE



(CONFESSOR'S CONFSSIONAL CODE.)

A COMPLETE

EXPOSE OF THE CORRUPTIONS  
OF  
ROMISH CONFSSION,  
BY ROMISH AUTHORS THEMSELVES.



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CLEV. O.

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CHALLENGE FROM A ROMISH PRIEST.

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# REASONS FOR CIRCULATING THIS PAMPHLET.

THE Committee of the Protestant Electoral Union have reason to believe that the publicity given by this pamphlet to the doctrines of the Confessional, is accomplishing greater results toward arousing public attention to the perils gathering around the institutions and liberties of the country than any efforts that have before been made by any Protestant Association; and they submit, in explanation of their proceedings, the following extracts from their Circular, Vol. I., No. 2, referred to on the second page of the cover.

"The doctrine and practices of the Romish Confessional are now openly adopted, and carried out with entire impunity, and in many instances avowedly sanctioned and encouraged by ecclesiastical authorities of the Church of England."

Referring to the practices of Mr. Wagner and the Scobell case, the Circular proceeds:—

"Under these circumstances, it becomes a question of no slight importance to every father of a family, whose wife or daughters may by possibility be brought into communication with such clergymen, to have some knowledge of what the doctrines and practices of the Confessional consist, and this can be stated in a very few words:—

"The doctrine of the Confessional as regarded by Rome and by her copyists in our English Church is, that by means of the secret and confidential intercourse between the Confessor and his 'penitent,' he obtains complete knowledge of all that is known, felt, or thought of by the latter, and becomes thus enabled to 'direct' the conscience and control and influence the conduct. This is the doctrine; and it is obviously as applicable to this extent to members of the Church of England as to those of Rome."

The course of proceeding adopted by the Committee is thus described:—

"It is to bring this portion of the ritualism and theology of the 'Holy Roman Church' under the notice of the public, that Mr. W. Murphy has been for some time past engaged in giving lectures in various towns, and the result of his labours is well worthy the attention of the public."

The object of the Confessional system is also described:—

"For those who may be disposed to spare themselves the sickening effects of a perusal of the pamphlet indiscriminately circulated by Mr. Murphy—with the sanction of the Committee—it may suffice to state, that the end and object of this system of 'Confession,' as thus brought to light, is to debauch to the very lowest depths of sensuality the minds of 'penitents.' As to females, the design is, to bring them by this means under such subjection to their priest, as to render it all but impossible that they can ever free themselves from his control; or even meet his look without a sickening sense of their absolute and debasing subjection to his will."

And, in addition to the extract from the speech in the House of Commons by Mr. Whalley, given on the cover, the following testimony is quoted from letters by the Rev. W. B. Crickmer, Incumbent of Beverley, to the Archbishop of York, to whom the case has been thus submitted, and the Committee, therefore, deem themselves entitled to regard that prelate as approving the publicity given to this pamphlet, his Grace having by silence acquiesced in the following statement of Mr. Crickmer:

"Mr. Murphy did what every English judge does under similar circumstances of necessary but loathsome investigation. He secured a jury and court of men of ripe age; he had almost all the most respectable tradesmen in Beverley, and there was not a book on the table besides the text books of the Romish Church, such as Dens and Liguori.

"Never did more respectable citizens meet more quietly, soberly, or solemnly than at the lectures of good Mr. Murphy, to listen to one who had too terrible data on which to draw in exposing the true character of Popery, and Popish Priestcraft. He and his whole family are converts of the Irish Society. His father was a schoolmaster under the National Board; they were all ruined by their conversion, and the father was stoned to death by that negative in-



stigation of the priest, of which Mr. Smith's letter\* to your Grace supplies a practical specimen hitherto unknown in England."

It is as follows that Mr. Crickmer justifies forwarding to the Archbishop a copy of this pamphlet:

"So as to be perfectly open with your Grace, I venture to send a pamphlet of extracts from the larger works as used by the Romish Colleges, although I feel almost guilty for daring to be so bold as to pollute your Grace's eye with such unutterable foulness, but I feel that in their own authorized works lies their own condemnation, and in their judicious exposure our one only remaining chance of opening the eyes of apathetic England.

"Lectures upon the superstructure of the system the Priests care little for; but Satan trembles for his cause when men full of fearless love for their God, their country, and their Church, dare to tear the veil of secrecy from the true base upon which the whole politico-pagan edifice stands—'The Confessional!'"

And the Committee thus further explain their own views:

"Such are the sentiments by which the Committee have been actuated in giving their sanction and support to the mission of Mr. Murphy. On several occasions Mr. Murphy has been threatened with legal proceedings and magisterial and police intervention, and although this has not yet been carried beyond threats, and such indirect opposition and impediments as could be offered without bringing the authorities into responsibility; yet there is no doubt that, as he proceeds in his work, it will become to the Romish and Puseyite priesthood a matter of necessity to put him down. For it is one of the results of his lectures, that in almost every town he leaves behind him an association of men of respectability, organized for the purpose of investigating and adopting the necessary means of further making known as well the perils which surround our families in the Church of England, as the iniquity of sustaining by public money such demoralisation amongst those who profess the Roman Catholic faith. It is therefore with much satisfaction that the Committee find themselves supported by the active co-operation of such clergymen of the Church of England as the Rev. W. B. Crickmer, and the acquiescence so far as can be collected from the absence of any expression of a contrary opinion, not only the Archbishop of York, to whom a copy of this pamphlet was officially forwarded—but also of every member of both Houses of Parliament, to whom such copy was forwarded prior to the close of the last session. To which it may be added that the Committee have not failed to obtain such legal advice as the peculiar circumstances of the case demand."

The circular from which the above are extracts was published in January, 1856, and the anticipation of being prosecuted has, after various attempts which failed, including many applications by the Roman Catholic party, to the Home Secretary, been at length realized by the action of the Watch Committee of Wolverhampton, under whose orders a number of the Pamphlets in the possession of Mr. Scott, a gentleman of high position in that town, were on the 11th of March, 1867, seized, and a prosecution commenced under the recent Act, known as Lord Campbell's Act. The parties implicated by this prosecution are not Mr. Murphy, the Lecturer, Mr. H. Scott, the distributor of these pamphlets, nor the Committee, who, for the reasons published by them, have encouraged and supported them—but also such men as the Rev. W. Crickmer, Dr. Armstrong, the Rector of Burslem, who presided at Mr. Murphy's lecture—and whose life has been threatened for doing so (See Special Circular for March, 1867), the Rev. R. J. McGhee, Rector of Holywell, who attended the trial to verify the translation, together with hundreds of other names of like authority, who have expressed to the Committee their cordial approval of their conduct in this matter.

Whatever may be the result of the Wolverhampton prosecutions, the Committee feel that they will have the entire public sympathy of England in asserting that if these doctrines are fit to be taught and practiced by Romish Priests and Church of England ministers, and to be paid for by the public, the nature of such doctrines should be made known.

\* Mr. Smith was the Roman Catholic Priest of Beverley.

## PREFACE.

In the first page of these "Extracts" attention has been called to the Preface. I shall now explain in a very few words the object I had in view in doing so.

Most clergymen are already aware of the acknowledged authority of all the works from which these selections are made; but, of the laity, for whom this pamphlet is particularly intended, comparatively few are well-informed on this point. The reason of this is, that although Protestant ministers of all denominations are ready enough to expose the errors of Romanism when necessary, they have, with respect to this revolting subject (perhaps), too generally considered that "It is a shame even to speak of those things which are done of them in secret." I have therefore thought it advisable that before perusing these extracts, the reader should be accurately informed as to the great authority of all the authors quoted, and of the high estimation in which they are still held by the "Infallible Church of Rome." I shall now adduce proofs from eminent Roman Catholic authorities to show, that the books from which I have quoted are the standard works in which the student is instructed, and by which the finished priest is guided in the performance of his varied parochial duties.

I. Saint Alphonso M. De Liguori, who was canonized at Rome on the 26th of May, 1839, is the great example whom Cardinal Wiseman desires to imitate, and the saint whom he delighteth to honor.

In the Roman Catholic Calendar for 1845, p. 167, we find that, preparatory to his canonization, ALL THE WRITINGS of Saint Alphonsus (Liguori), whether PRINTED OR INEDITED, had been more than twenty times rigorously discussed by the Sacred Congregation of Rites, which decreed that not one word had been found in them worthy of censure.

II. Bailly, Delahogue, and Cabassutius.—In 1826, a commission was appointed by the Crown to inquire into the educational institutions of Ireland. The President and Professors of Maynooth then furnished the commissioners with the materials for a report to Parliament, in which they gave a list of the names of the class-books used in the college; in this list the three authors above named were included. Vide VIII. Report of Commissioners of Education, App. p. 449.

When examined before the commissioners, Mr. Anglade, Professor of Moral Theology, gave the following as the reason why these were the most suitable books in divinity which could be selected for the instruction of students. He says:

"Our object has been, seeing the want of clergy, to choose among the treatises of divinity those which are most essential to them for the discharge of their duty in the ministry, as they have no other occasion of improving themselves except by reading books; and so the treatises I have taught are relating to human acts, conscience, sins, sacraments, penance in ALL its parts, MARRIAGE, restitution, contracts, laws, censures, IRREGULARITIES."—Vide VIII. Report of Commissioners of Education, App. p. 155.

III. Peter Dens.—In 1832, a new edition of 3,000 copies of this work, in 8 vols., was published with the approbation of Doctor Murray, known of late (officially) as "His Grace, Archbishop Murray, of Dublin." On the appearance of an English translation of certain portions of this work in 1836, Dr. Murray denied that he had ever given any such approbation. The publisher, however, in a very independent manner, and much to his credit, contradicted the statement of his bishop. This soon created a feverish excitement in Dublin, in the midst of which, Dr. Murray thought fit to pay a visit to his Holiness—possibly for advice. He did not remain long in Rome; and, on his return, he published a letter on the 5th of October, 1836, addressed to his clergy, in which he publicly acknowledged and adopted Dens, and thereby contradicted all he had said a month or two before, previous to his departure for Rome. In this letter he states that, when the publisher called on him "to express a wish to reprint that work," his opinion of conciseness, perspicuousness, and accuracy was such, that he "at once assented." After entering into other particulars relative to the publication of the work, he goes on to say to his clergy, "I have no hesitation in recommending it, as a useful summary, to your attentive perusal." Now what can we think of a religion whose bishop, nay, even an archbishop, could be guilty of first publicly denying a solemn and public act, and who



could come forward shortly afterwards, and as publicly assert that there was not one word of truth in all he had before so solemnly declared? But what *did* take Dr. Murray to Rome in such a violent hurry? Was it not to be absolved by the Pope from the sin of the first mis-statement above alluded to; so that, when he returned, he was *innocent*, and ready to "begin a new score."

Let no one, however, imagine that the above-named are the only *theological* works of this nature, for we are told by no less an authority than Dr. Crotty, the principal of Maynooth College, that there are HUNDREDS of others. In his examination before the commissioners, he is asked—"Are the works written by Dr. Delahogue original compositions of his own, or were they compiled?" *Ans.* "They are original works." I should state, however, that there is no work yet written upon matters of that sort, of which a large portion has not been taken from previous works. *A Catholic divine who writes on matters of faith or MORALS, can write substantially only what has been written by HUNDREDS before him!!*—Irish Education Report, App. p. 76.

The Rev. M. James, of Pembroke, wrote to Dr. Murray, and asked him, "Why was Dens' Theology allowed to go to press without the omission of the objectionable passages, or at least a note?" Hear his Grace's reply, dated 21st September, 1835—"I am convinced that, because we dissent from the opinions of an author, it would not therefore be fair to mutilate his book, by omitting a treatise which, in one shape or other, forms part of every similar work PURPORTING to be a COURSE OF THEOLOGY."

Thus, we see, it is almost impossible for any Roman Catholic divine who writes on MORALS (or *Moral Theology*, as these filthy treatises are styled), to produce anything novel even on this fertile subject; so able and minute have been the commentaries of the earlier Saints and Fathers.

In his letter to Mr. James, relative to Dens, Dr. Murray says, "This work, you are aware, was not intended for the ignorant. It was written in Latin, beyond, of course, the reach of that class of persons, and designed solely for the use of professional men." This is precisely the reason why these "Extracts" are now translated into English. They are intended for the information of general readers, who either are not able, or have not time to consult the original works for themselves. Many have a vague and indefinite notion that some *queer* questions are asked in the Confessional, but very few indeed have any idea of the fearful reality as disclosed in the following pages.

Such, then, is the theology, and such the morals, which, by granting £30,000 a year to Maynooth, we assist in propagating. Surely the coming session of Parliament will not pass without this iniquitous grant being withdrawn, and the nation rescued from the reproach of fostering a system, the details of which would put the most profligate to the blush, and would not be endured in the veriest den of infamy.

In the latter part of the pamphlet I have given a few extracts without abridgment, to show into what minute and disgusting details these *holy men* have entered. This alone has been my object, and not the filling of the work with obscenity.

In conclusion, I would remark as to the practice of Confession, that in the Scriptures there is only one instance of going to confess to priests. It was at Easter, too, and the penitent paid the priests their "Easter Dues." The Penitent was Judas, and after his confession he immediately hanged himself. The precedent is significant, but certainly not flattering.

C. B.

YOU ARE REQUESTED TO READ THE PREFACE FIRST.

## EXTRACTS,

ETC.

### DE SIGILLO CONFESSIONIS. ON THE SEAL OF CONFESSION.

QUD est sigillum confessionis sacramentalis?

*R.* Est obligatio seu debitum celandi ea, quæ ex sacramentali confessione cognoscuntur.—*Dens*, tom. 6, p. 218.

An potest dari casus in quo licet frangere sigillum sacramentale?

*R.* Non potest dari; quamvis ab eo penderet vita aut salus hominis, aut etiam interitus reipublicæ; neque summus Pontifex in eo dispensare potest: et proinde hoc sigilli arcanum magis ligat quam obligatio juramenti, voti, secreti, naturalis, &c., idque ex voluntate Dei positiva.—*Dens*, tom. 6, p. 219.

WHAT is the seal of sacramental confession?

*Answer.* It is the obligation or duty of concealing those things which are learned from sacramental confession.—*Dens*, vol. 6, p. 228.

Can a case be given in which it is lawful to break the sacramental seal?

*Answer.* It cannot: although the life or safety of a man depended thereon, or even the destruction of the commonwealth; nor can the Supreme Pontiff give dispensation in this: so that, on that account, this secret of the seal is more binding than the obligation of an oath, a vow, a natural secret, &c., and that by the positive will of God.\*—*Dens*, vol. 6, p. 219.

In the Roman Catholic Calendar for 1845, p. 167, we find that, preparatory to his canonization, the MORAL SYSTEM of Liguori had been more than twenty times rigorously discussed by the Sacred Congregation of Rites, which decreed that IN ALL HIS WORKS, whether printed or inedited, not one word had been found worthy of censure; which decree was afterwards confirmed by Pope Pius VII. This Liguori is Wiseman's pet Saint, and the following are his doctrines, viz.;

Respond 1. Sigillum hoc est obligatio juris divini strictissima in omni casu, etiam quo integri regni salus periclitaretur, ad tacendum,

We answer 1, That this seal is an obligation of divine right, most strict in every case, EVEN WHERE THE SAFETY OF A WHOLE

\* We shall soon see that, when it suits their own purpose, or the interest of the Church, the priests do not hesitate to break this Sacramental Seal of Confession.



etiam post mortem poenitentis, dicta in confessione (id est in ordine ad absolutionem sacramentalem) omnia, quorum revelatio sacramentum redderet onerosum, vel odiosum.—*Liguori*, tom. 6, p. 276. n. 634.

Quid igitur respondere debet Confessarius interrogatus super veritate, quam per solam confessionem sacramentalem novit?

R. Debet respondere, se nescire eam, et si opus est, idem juramento confirmare.—*Dens*, tom. 6, p. 219.

Quæritur an Confessarius interrogatus de peccato poenitentis possit dicere se illud nescire, etiam cum juramento. Affirmandum cum communis, quam tenent D. Thomas sup. pl. q. 11. art. 1. ad 3. S. Anton. 3. p. tit. 17. cap. 22. Wig. tr. 13. n. 111. Holzm. num. 722. Pal. p. 5. § 3. num. 13. cum Nav. Bon. Val. et Henriq. ac Lugo d. 23. num. 73. cum Vasq. (qui opinionem oppositam Gabriellis vocat erroneam) et aliis communis. Ratio affertur a D. Thom. loc. cit. qui dicit: "Homo non adducitur in testimonium, nisi ut homo, ideo... potest jurare se nescire quod scit tantum ut Deus;" (et hoc, etiamsi Confessarius rogatus fuerit ad respondendum non ut homo, sed præcipue ut minister Dei, prout recte sicut Saurez et præfati auctores loc. cit.) quia Confessarius nullo modo scit peccatum scientia qua possit uti ad respondendum, unde juste asserit se nescire id quod sine injustitia nequit manifestare. Vide dicta 1. 3. n. 125. v. Hinc. Quid, si insuper rogetur ad respondendum sine æquivocatione? Adhuc juramento cum potest respondere, se nescire, ut probabilis dicunt Lugo. n. 79. Croix. 1. c. cum Stoz. et Holzm. num. 722, cum Michel, contra alios. Ratio, quia tunc Confessarius revera respondet secundum

NATION WOULD BE AT STAKE, to observe silence, even after the death of the penitent, as to all things spoken in confession (i. e. spoken in order to obtain sacramental absolution), the revelation of which would render the sacrament itself grievous or odious.—*Liguori*, vol. 6, p. 276, n. 634.

What answer then, ought a Confessor to give when questioned concerning a truth which he knows from sacramental confession only?

Ans. HE OUGHT TO ANSWER THAT HE DOES NOT KNOW IT, AND, IF NECESSARY, CONFIRM THE SAME WITH AN OATH.—*Dens*, vol. 6, p. 219.

It is asked, whether the Confessor, interrogated concerning the sin of his penitent, can say that he does not know it, even with an oath. It is answered in the affirmative, in accordance with the common opinion which St. Thomas and others hold. The reason is adduced by the divine Thomas in the quoted place, who says: "A man is not adduced in testimony unless as a man, therefore he can swear that he does not know what he knows only as God;" (and this holds good, although a Confessor may have been asked to give his answer not as man, but especially as minister of God, as Suarez and the before quoted authors rightly say,) because a confessor in no manner knows a sin with a knowledge which he can use for the purpose of answering; wherefore he justly asserts that he does not know that which without injustice he cannot manifest. Hence—What if he should be asked to answer without equivocation? Even in that case he can answer with an oath that he does not know it; as more probably Lugo, Croix, Stoz. et Holzm. with Michel, teach against others. The Reason is, because then the Confessor verily answers according to the oath made, which is always under-

juramentum factum, quod semper factum intelligitur modo quo fieri poterat. nempe manifestandi veritatem sine æquivocatione, sed sine æquivocatione illa, quæ licite omitti poterat: quoad æquivocationem vero necessariam, quæ non poterat omitti absque peccato, nec alter habet jus ut sine æquivocatione ei respondeatur, nec ideo Confessarius tenetur sine æquivocatione respondere.—*Liguori*, tom. 6, n. 646.

Obj. Nullo casu licet mentiri, atqui Confessarius ille mentiretur quia scit veritatem: ergo, &c.

R. Nego minorem; quia talis Confessarius interrogatur ut homo, et respondet ut homo; jam autem non scit ut homo illam veritatem, quamvis sciat ut Deus, ait S. Th. q. II, art. 1. ad 3, et iste sensus sponte inest responsione, nam quando extra confessionem interrogatur, vel respondet, consideratur ut homo.—*Dens*, tom. 6, p. 219.

Si sacerdos a magistratu interrogetur de iis quorum notitiam ex sola confessione habuit, respondere debet se nescire, immo hoc ipsum jurare absque ullo mendacii periculo. Ratio est juxta Estium, quia nec mentitur, nec in equivoco ludit, qui ad mentem interrogantis respondet, at nihil nisi verum profert; atqui ita se habet Sacerdos in prefato casu, namque ab illo non quærit Judex quid scit via confessionis quatenus Dei vices agit, sed quid novit, quatenus homo, proindeque extra confessionem.—*De la Hogue*, tom. 1, p. 292.

Quid si directe a Confessario quærat, utrum illud sciat per confessionem sacramentalem?

R. Hoc casu nihil oportet re-

stood to be made in the manner in which it was possible to be made; to wit, of manifesting the truth without equivocation, that is, without that equivocation which lawfully can be omitted. But as to the necessary equivocation which could not be omitted without sin, the other has not a right that an answer should be given to him without equivocation, neither, moreover, is the Confessor bound to answer without equivocation.\*—*Liguori*, vol. 6, n. 646.

Objection. In no case is it lawful to tell a lie, but that Confessor would be guilty of a lie because he knows the truth; therefore, &c.

Answer. I deny the minor; because such Confessor is interrogated as man, and answers as man; but now he does not know that truth as man, although he knows it as God, says St. Thomas, and that is the spontaneous or natural meaning of the answer; for when he is interrogated, or when he answers, outside confession, he is considered as man.—*Dens*, vol. 6, p. 219.

If a priest is questioned by a magistrate as to matters which he has learned from confession alone, he ought to reply that he is ignorant of them: nay, he ought to swear to it, which he may do without any danger of falsehood. It is added, on the authority of Estius, that in doing so he neither lies nor equivocates, since he frames a true reply to the intention of the person interrogating him; because the magistrate does not ask him what he knows from confession "in his character as God," but what he knows "in his character as man" without confession.—*De la Hogue*, vol. 1, p. 292.

What if a Confessor were directly asked whether he knows it through sacramental confession?

Answer. In that case he ought to

\* After reading this, who would believe any Roman Catholic on his oath?



spondere: ita Stey. cum Sylvio; sed interrogatio rejicienda est tanquam impia: vel etiam posset absolute, non relative ad petitionem dicere, "ego nihil scio," quia vox ego restringit ad scientiam humanam.—*Dens*, tom. 6, p. 219.

Quid si quispiam peccata sua Confessario aperiat hac intentione, ut Confessarium irideat, vel ut eum pertrahat in societatem exequendi malam intentionem?

R. Non oritur sigillum, quia Confessio non est sacramentalis. Ita Romæ judicatum fuisse, referet Dominicus Soto, in casu quo quidam accesserat Confessarium intendens eum pertrahere in conjunctionis crimen contra Pontificem.—*Dens*, tom. 6, p. 220.

Demique indirecte ad sigillum reducuntur omnia, per quorum revelationem sacramentum redderetur odiosum juxta mores patriæ et temporum varietates: et ita Steyart de Pœn. § 13. num. 1, p. 226. Ex Wig. animadvertit, aliqua uno tempore adversari sigillo, quæ alio tempore non habentur ut talia.—*Dens*, tom. 6, p. 222.

Unde resolves,

1. Violatio hujus sigilli duplicem habet malitiam: sacrilegii, contra reverentiam sacramento debitam; et inquisitiæ, ex pacto virtuali inter penitentem et confessarium de secreto isto servando omni casu. Dian. y. t. 11 r. 2. ex Fag. Kellis. etc. Neque hic datur parvitas materiæ. Dian. p. 5. t. 5. r. 8. ex Malder. Bald. etc. (Melius dicendum quod triplicem habeat malitiam nempe sacrilegii contra sacramentum, infidelitatis gravis, cum ex parte confessorii intercedat oneroso, quamvis

give no answer (so Steyart and Sylvius), but reject the question as impious: or he could even say absolutely, not relatively to the question. "I know nothing," because the word *I* restricts to his human knowledge.—*Dens*, v. 6, p. 219.

But if any one should disclose his sins to a Confessor with the intention of mocking him, or of drawing him into an alliance with him in the execution of a bad intention?

Answer. The seal does not result therefrom, because the confession is not sacramental. Thus, as Dominic Soto relates, it has been decided at Rome, in a case in which some one went to a Confessor with the intention of drawing him into a criminal conspiracy against the Pope.—*Dens*, v. 6, p. 220.

In fine, all things are reduced indirectly to the seal, by the revealing of which the sacrament would be rendered odious, according to the changes of the country and the changes of the times; and thus Steyart observes from Wiggers, that some THINGS ARE AT ONE TIME OPPOSED TO THE SEAL, WHICH AT ANOTHER TIME ARE NOT CONSIDERED AS SUCH.—*Dens*, v. 6, p. 222.

Whence you will resolve,

1. The violation of this seal involves a two-fold wickedness: of sacrilege against the reverence due to the sacrament, and of injustice, from the virtual compact between the penitent and the confessor concerning the observance of secrecy in every case. Neither is the insignificance of the matter here to be taken into account. (We say more justly that it possesses a three-fold wickedness, viz., the sin of sacrilege against the sacrament; of grievous unfaithfulness, since, on

tacita, promissio secretum servandi; item detractionis, si peccatum non sit publicum. Ita Spor. Roncagl. Croix, et alii communiter.)—*Liguori*, tom. 6, p. 276, n. 365.

An Confessarius narrans peccata, quæ in confessione audivit, agit, contra sigillum?

R. Si nullo modo. nequidem in generali, peccator seu persona possit agnoscere, neque etiam ullum præjudicium ipsi ex eo obvenire possit, non agit contra sigillum, quia sigillum habet relationem ad penitentem sive ad peccatorem.—*Dens*, tom. 6, p. 222.

Propterea provide Doctores movent ab hisce narrationibus abstinendum, quando nulla utilitatis causa movet, propter scandala, dum populus existimat Confessarium recordari singulorum peccata: et propter periculum remotum et suspensiones aliorum. Narrat Medina, lib. 2. cap. 4, Confessarium sic manifestasse personam adulteram, dum primo dixerat, primam penitentem fuisse confessam adulterium, postea imprudenter nominavit personam, quæ ejus prima penitens fuerat. Quapropter etiam in petendo concilio præstat casum simpliciter proponere, non declarando illum sibi in confessione occurrere.—*Dens*, tom. 6, p. 222-3.

Quinam obligationem sigilli sacramentalis contrahunt?

R. Omnes illi ad quos pervenit notitia ex confessione, mediate vel immediate, licite vel illicite.

Hoc modo tenentur sigillo interpretes in confessione, et illi, qui circa confessionale considerant aliquid per accidens audiunt. Peccant autem illi, qui voluntarie auscultant

the part of the confessor, there intervenes a weighty, though tacit, promise of keeping the secret; also of detraction, if the sin be not public.)—*Liguori*, v. 6, p. 276, n. 635.

Does a confessor, narrating the sins which he has heard in confession, act contrary to the seal?

Answer. If the sinner or person can by no means be discovered, not even in general, nor any prejudice to himself happen therefrom, he does not act contrary to the seal, because the seal has reference to the penitent or sinner.—*Dens*, v. 6, p. 222.

Wherefore the Doctors providently advise that we should abstain from these narrations, when not moved by reasons of utility,\* on account of the scandal, were people to suppose that the Confessor recollected the sins of each individual: and on account of the remote danger and the suspicions of others. Medina tells us, that a Confessor had thus discovered an adulteress, first, by saying that his first penitent had confessed an adultery, and afterwards imprudently naming the person who had been his first penitent. Wherefore, even in asking advice, it is better to state the case simply, without declaring that it has occurred to him in confession. *Dens*, v. 6, p. 222-3.

What persons contract the obligation of the sacramental seal?

Answer. All those who have got their knowledge from confession, mediately or immediately, lawfully or unlawfully.

In this manner interpreters in confession are bound by the seal, and those who, sitting about the confessional, accidentally hear any thing. But they commit sin who

\* *Liguori*, vol. 6, p. 276, n. 634; and *Dens*, in vol. 6, p. 219, both declare that the seal never can be broken, "nor can the Pope give dispensation in this" (vide page 5). We see, however, from *Dens*, vol. 6, p. 220, that they show very little compunction in violating the most explicit law whenever they wish.

\* We have already called attention to the very stringent obligation of the seal,—but here, we see, a mere consideration of utility enables a Confessor to divulge what was considered an inviolable secret.



vel audiunt. Similiter illi tenentur sigillo, quibus Confessarius sine licentia penitentis revelavit.—Dens, tom. 6, p. 231.

Resp. 2. Ad sigillum tenentur omnes, ad quos quomodocumque notitia sacramentalis confessionis pervenit: qualis est I., Confessarius, qui, si de auditis in confessione rogetur, potest negare etiam, si opus est, cum juramento, subintelligendo, quod possit dicere, vel potius (ut dicit cardin. de Lugo d. 23), quod sciat scientia utili ad respondendum interroganti extra confessionem. Imo, si peccatum suum salvo sigillo non possit confiteri, debet omittere, quia sigillum strictius obligat quam integritas confessionis.—*Liguori*, tom. 6, n. 645.

After stating that a penitent can give either a written or verbal license to a Confessor to disclose what he has heard in that penitent's confession, the following *objection* is raised, and *answered* in a manner which, no doubt, will be very satisfactory to all Confessors.

*Obj.* Mali sacerdotes possent sic abuti sigillo, dicendo se habere licentiam.

*R.* S. Th. q. II. a. 4. ad. 3. incumbit eis probatio receptæ licentiæ; sed creditur Confessario juranti, se obtinuisse licentiam a penitente.—*La Croix*, lib. 6, n. 1969.

Notant etiam Du Jardin sec. 9. § 3. n. 5. Suarez d. 24. § 4 n. 12, et alii, penitentem posse aliquando obligari ad similem aliquam licentiam concedendum alias non absolvendum.—Dens, tom. 6, p. 232.

IV. Non opus esse, ut habeatur in scripto. Suar. Fagund. II. cc. Imo, si dubium sit an Confessor cum licentia locutus fuerit, sacerdoti

voluntarily listen or hear. In like manner they are bound by the seal, to whom the Confessor has revealed *without*\* the license of the penitent.—Dens, vol. 6, p. 231.

It is answered, 2, That all are bound to the seal, to whom a knowledge of the sacramental confession comes, conveyed in whatever way it may: such is 1st, the Confessor, who, if he be asked concerning things heard in confession, can deny that he knows them, even, if it be needful, with an oath, by understanding what he may be able to mention, or rather, what he knows with a knowledge useful for answering, being interrogated out of confession. Yea, if his own sin could not be confessed with an unbroken seal, he ought to omit it, because the seal more strictly binds than the completeness of the confession.—*Liguori*, v. 6, n. 645.

*Objection.* Bad priests could thus abuse the seal by saying they had liberty.

St Thomas answers, it is incumbent on them to prove that they have received the license: but a Confessor is believed when he swears he has obtained license from the penitent.—*La Croix*, vol. 6, n. 1969.

Du Jardin also, and Suarez, Antoine, and Sylvius, remark, that a penitent can sometimes be compelled to concede some such license, or OTHERWISE be NOT absolved.—Dens, v. 6, p. 232.

IV. It is not necessary that it (the license) should be had in writing. If it be doubtful whether the Confessor may have spoken with the

potius quam penitenti credendum, ex Graff. et Henr. affirmat Dian. l. c. r. 4, vel etiam quam hæredibus; v. gr. si ex licentia defuncti revelet restitutionem ab iis faciendam. Tann. et Mald., qui tamen monent, eo casu, non esse dicendum eam deberi ex delicto, sed solum, quod talibus tantum dari voluerit, satiusque suaderi moribundo ut talia secreto codicillo hæredibus injungat. Vide Dian. l. c. r. 32.—*Liguori*, tom. 6, n. 651, q. IV.

An Confessario licitum est uti scientia accepta ex sola confessione sacramentali alterius?

Quamvis semper sit illicitum frangere sigillum, quæritur tamen; utrum sit contra reverentiam sigilli, agere aliquid vel omittere aliquid ex illa scientia, quod alias Confessarius non fecisset? Ad quod respondetur ad aliquando esse contra sigillum, aliquando non esse.

Quandonam est contra sigillum uti scientia confessionis?

*R.* Quando subest periculum, ne aliquid directe vel indirecte reveletur de confessione personæ cognitæ. Imo quamvis nullum tale periculum apparet, neque etiam sciatur Confessarium uti scientia confessionis, si equidem illud cederet in gravamen verum vel apprehensum peni-

permission of the penitent, the priest is to be believed rather than the penitent: or rather than even the heirs; for example, if, from the license of the dead, he reveal that restitution should be made by them; but, however, some other divines advise in that case, that he should not say that *it was due from their fault*, but only that, *he wished that it should be given to such purposes*; and that it would be better to persuade the dying person that he should impose such things upon his heirs by a secret codicil.—*Lig.*, vol. 6, n. 651, q. IV.

Is it lawful for a Confessor to avail himself of that knowledge which he has acquired solely from the sacramental confession of another?

Although it is always unlawful to break the seal, however it is inquired, whether it is contrary to the reverence of the seal, to do anything, or to omit anything, on account of that knowledge, which the Confessor could otherwise not have done? To which it is answered, *It is sometimes contrary to the seal, and sometimes not.\**

When is it contrary to the seal to make use of the knowledge of confession?

*Answer.* When it is attended with danger; lest anything be revealed directly or indirectly respecting the confession of a known person. Nay although no such danger appears, and although it be not known that the Confessor avails himself of the knowledge of confession; yet,

\* We are told in Dens, vol. 6, p. 219, and Liguori, vol. 6, p. 276, n. 634, that the seal can never be broken; but here we are informed it may be broken whenever a Confessor pleases, or that it suits his purpose, provided generally that he does not do it in a way that would render confession odious. However, when any unpleasantness does arise from his making use of knowledge acquired in the confessional, he has only to swear that the penitent gave him license; and although the penitent swears to the contrary, "the priest is to be believed rather than the penitent."—Vide Dens, v. 6, p. 232; Liguori, v. 6, n. 651, q. IV.; La Croix, lib. VI, n. 1969.

Also, Du Jardin, Suarez, Antoine, and Sylvius say that a penitent can sometimes be compelled to concede a license, or OTHERWISE NOT BE ABSOLVED.—Dens, vol. 6, p. 232.

\* This admits that Confessors do reveal without the permission of penitents.

"They search the secrets of the house, and so  
Are worship'd there, and feared for what they know."



tentis vel complicitis, ageretur contra sigillum, in quantum confessio sic posset reddi odiosa: v. g. si Confessarius ex soia cognitione confessionis neget penitenti vel complici testimonium morum.—Dens, tom. 6. p. 235.

4. Quando plures—v. gr. studiosi, vel aulici, etc.—tenentur ferre testimonium confessionis, Confessarium teneri id dare, etiam iis, quos non absolvit, docit Coninck. disp. 6. d. 1. Fagundez et Dian. p. 3. tr. 15. r. 22, tum ne id negando prodatur aliquo modo sigillum, et penitentem; tum quia dando non mentitur cum tantum testetur se confessum. Verum Bonac. d. 5, q. 6. p. 4, et Cardin. de Lugo, d. 23. s. 4, docent tali schedam negare non esse contra sigillum. Idemque concedit Avers, p. 18. s. 3, si non contest penitentem accessisse ad hunc Confessarium tum quia nihil dicit, sed tantum non approbat testimonio positivo confessionem, ad quod non tenetur, nec quidquam facit, ex quo possint cognosci delicta penitentis; tum quia alias via aperitur fraudibus, et multi improbi parochos in paschate deciperent; tum quia potest esse consuetudo ut scribatur absolutum esse quod falsum erit, si scribat, et si omittat, sigillum franget; tum quia scandalosum erit et iniquum, publicae meretrici perseveranti (uti et occulto peccatori, sic pallianti suam iniquitatem) testimonium dare confessionis; neque confessario imputandum erit, quod cum positive non defendat.

\* *Testimonial.* Masters and magistrates read this, and learn what value to set upon "a character from the priest." It is not worth the piece of paper it is written upon.

if it might turn out to be a real or apprehended grievance to the penitent or his accomplice, it would be acting contrary to the seal, inasmuch as confession would then be rendered odious: for instance, if a Confessor should from the sole knowledge of confession deny a penitent or his accomplice a testimonial of morals.\*—Dens, v. 6, p. 235.

4. When many persons—for example, students, courtiers, &c.—are bound to produce a testimonial of having attended confession, the Confessor is bound to give that, even to those he *does not* absolve; First, lest by refusing he might betray in some manner the seal and the penitent. Secondly, because by giving it he does NOT LIE, since he only bears testimony that he confessed. But Bonac. &c., teach that to deny a certificate to such, would not be an infringement of the seal. And Avers. concedes the same, if it be not known that the penitent approached to the Confessor: First, because he says nothing, but only does not prove the confession by positive testimony, to which he is not bound, neither does he do any thing from which the sins of the penitent could be known. Secondly, because otherwise a way would be opened for frauds, and many wicked persons would deceive the parish priest at Easter. Thirdly, because he establishes a custom, that he may certify in writing that the penitent was absolved, which will be false if he write it, and, if he omit to do so, he will break the seal. Lastly, because it will be scandalous and unjust to give a testimonial of confession to a public courtesan continuing in sin (as also to a concealed sinner, thus palliating his iniquity), neither will it be imputed to the

confessor that he did not positively defend him.

Probabilius est et communius, quod, si in schedula scriptum sit penitentem tantum esse confessum schedula sit concedenda; ut tenent Laymann de Pœnit. cap. 14. n. 8 auctor de offic. Conf. apud Croix, q. 3. Sporer de Pœnit. c. 7. n. 839, et Diana, quia negare schedulam, idem esset ac indirecte revelare eum non esse rite confessum. Et hoc est contra Bonac. qui ait negandum esse et contra Lugo qui cum Henr. dicit posse negari, quia, licet confessarius non possit revelare peccatum, non tenetur tamen testimonio positivo illius confessionem approbare. Sed huic rationi non acquiesco; quia, esto non teneatur cooperari approbationi illius confessionis, tenetur tamen vitare indirectam revelationem, quæ, negata schedula, vitari non potest: secus vero, si confessarius in schedula deberet scribere penitentem non solum esse confessum, sed etiam absolutum; quia, cum mendacium sit intrinsicè malum, nunquam proferri potest, ut communiter docent DD. Lugo. d. 23. num. 87. Roncagl. Laym. li. cc. Si tamen schedulæ essent jam typis editæ, quibus asseritur absolutio importita, videtur probabile (ut aliqui recentiores dicunt) tradi posse confessis non absolutis, saltem si publice petant, quia tunc confessarius nullum proterit, aut scribet mendacium, sed tantum materiale actum operetur, talem schedulam tradendo.—Lig. tom. 6. n. 639.

Here follows a curious and most ingenious disquisition as to whether priests, guilty of grave offences, can be removed from their offices: also whether the Communion can be denied to unrepentant sinners in certain circumstances.

Omnia hæc diligentius sunt dis-  
cutienda. Dubitatur 1. An superior  
ob peccatum auditum in confessione  
possit amovere subditum ab officio.

All these things must be more  
carefully discussed. It is doubted  
1. Whether a superior, on account  
of a sin heard in confession, may

It is more probably and commonly held, that if in the parchment it be only written that the penitent confessed, that testimonial may be granted, as Laymann and many others hold; because, to deny the certificate would be the same as indirectly to reveal that he was not duly confessed. And this is against Bonac., who says that it can be refused, and against Lugo, who, with Henr. says that it can be denied; because, although a Confessor cannot reveal a sin, however he is not bound to prove with positive testimony his confession. BUT TO THIS REASON I DO NOT GIVE MY ACQUIESCENCE because, although he is not bound to co-operate to the truth of that confession, however, he is bound to avoid an indirect disclosure, which, if the certificate be denied, cannot be avoided. But otherwise, if the Confessor ought to write in the parchment, that the penitent not only confessed, but was absolved; because, since a lie is intrinsically evil, it can never be told, as the doctors generally teach; but if the certificates be now printed, in which it is asserted that absolution was given, it appears probable (as some more recent say), that they may be given to those who have confessed, but who did not receive absolution, at least if they be sought publicly, because then the Confessor tells or writes no lie, but only performs a material act in giving such a certificate.—Lig. v. 6, n. 639.



Affirmat Sambovius tom. 3. caus. 18. Idque prius docuit divus Thomas Quodlib. 5. quæst. 7. art. 13. modo absit revelatio peccati, sic dicens: Si ergo amotio subditi ab administratione possit inducere ad manifestandum peccatum in confessione auditum, vel ad aliquam probabilem suspicionem habendam de ipso, nullo modo præ latus deberet remove. Si vero per amotionem peccatum nullatenus manifestaretur, tunc alia occasione accepta, posset subditum ab administratione remove, et deberet hoc facere cum debita cautella.—*Lig.* tom. 6, n. 656.

Dubitatur III. An Confessarius posset communionem denegare pœnienti, cui purius negavit absolutionem tanquam indisposito, si ille post hæc acculte communionem petat. *Prima Sententia* affirmat. *Secunda* tamen vera sententia negat; et hanc tenent Sanchez loc. cit. n. 5. Cardinalis de Lugo d. 25. n. 126. Laymann c. 14 n. 22. Bonacina p. 5. num. 17. Sporer. num. 869. Mazzotta, c. 3. q. 5. Ratio, quia hujus modi denegatio sacramenti vel monitio confessionem redderet onerosam, non solum pœnitentibus illicite petentibus, sed etiam aliis, vult, si scirent quod confessorius posset aliquando uti notitia confessionis, facile absterrentur a sacramento pœnitentiæ. Hæc sententia hodie omnino est tenenda ex supra citato decreto Innocent XI. quo vetatur quilibet notitiæ confessionis usus, ex quo sequatur qualecunque pœnitentis gravamen. Vide num. antec. 626.—*Lig.* tom. 6, n. 658.

Here the Saint instructs Confessors how to deceive invalids or the dying though Confessors are always supposed to be acting in the capacity of God!!

Approbo tamen id quod dicit idem Roncagl. ibid q. 5. cum de Lugo dist. 22. n. 166. quod si pœnitens indispositus minitetur Confessario ob negatam absolutionem, bene poterit

remove his subject from office. Sambovius affirms that he can, which also the divine Thomas hath before taught, provided that there is no disclosure of sin, thus saying, "If therefore, the removal of a subject from office can lead to the manifestation of sin heard in confession, or to the entertaining of some probable suspicion concerning him, by no means should the prelate remove him. But if, by removal, in no way would the sin be made known, then another occasion being taken, he can remove the subject from office, and he ought to do this with due caution.—*Lig.* v. 6, n. 656.

It is doubted, III. Whether a Confessor can deny communion to a penitent to whom, *as unfit*, he had before refused absolution, if he, after these things, secretly seek communion. The first opinion affirms that he can. However, *the second true opinion denies it*; and this Sanchez and many others hold; the reason is, because such a denial of the sacrament or admonition would render confession odious, not only to penitents unlawfully seeking it, but also to others, who, if they knew that the Confessor could by any means use the knowledge acquired in confession, *would easily be frightened away from the sacrament of penance*. This opinion in the present day should by all means be held according to the above-mentioned quoted decree of Innocent XI., who forbids any use of the knowledge of confession, from which any loss whatsoever would follow to the penitent.—*Lig.* v. 6, n. 658.

However, I approve that which the same Roncagl. says, That if an indisposed penitent threaten a Confessor on account of absolution denied, the Confessor can justly fly

Confessarius ab illo aufugere, et non redire, quia tunc illæ minæ non sunt peccatum manifestatum ad absolutionem obtineudam, sed peccatum in confessione commissum, quod sigillo non gaudet. Sed ea fuga tantum permittitur Confessario, si fugiendo non ingerat aliis suspicionem negatæ absolutionis; quod si eam ingereret, posset recitare aliquam orationem, non jam intendendo deceptionem pœnitentis, sed solam liberationem ab illa vexatione, quamvis pœnitens se decipiat credens illam orationem esse formam absolutionis. Vide dicta de Sacram. l. 6. n. 39. v. E converso.—*Lig.* tom. 6, n. 659.

Quando nam licitum est uti scientia in confesssione acquista?

*R.* Quando peccator nullo modo manifestatur, nullum quoque gravamen ei aut alteri generatur, nihil denique intervenit quod odiosam reddat confessionem.—*Dens*, tom. 6, p. 238.

from him, and not return, because, in that case, those threats are not a sin made known for the purpose of obtaining absolution, but a sin committed in confession,\* which does not require the seal. But that flight is only allowed to a Confessor, if, by flying, he does not give to others the suspicion of a denied absolution; because if he would give that, he can recite some speech, not intending to deceive the penitent, but only to obtain freedom from that trouble, **ALTHOUGH THE PENITENT MAY DECEIVE HIMSELF, BELIEVING THAT DECLARATION TO BE THE FORM OF ABSOLUTION.**—*Lig.* vol. 6, n. 659.

When is it lawful for the Confessor to make use of the knowledge acquired in confession?

*Answer.* When the sinner is by no means discovered, also when no grievance is occasioned to him or to another; in fine, *when nothing intervenes to render confession odious.*—*Dens*, v. 6, p. 238.

## ON MIXED MARRIAGES.

An autem conditio educandi prolem in hæresi, v. g. ut filii sequantur patrem hæreticum in sua secta, et filiæ matrem Catholicam, repugnet substantiæ matrimonii?

*R.* Observat Daelman quod si pars Catholica sub tali conditione iniens matrimonium, directe intenderet educationem prolis in hæresi, invalidum foret matrimonium: unde supponitur, inquit, quod duntaxat se obliget quod talem educationem non sit impeditura.

After giving the opinions of other divines, Dens proceeds as follows:

Irrita interim est hujusmodi stipulatio cum repugnet obligationi parentum; et licet aliqui contentur

But is the condition of educating the offspring in heresy repugnant to the substance of matrimony, namely, that the sons may follow their heretical father in his sect, and the daughters their Catholic mother?

*Ans.* Daelman observes, that if the Catholic party entering matrimony under such condition directly intended the education of her offspring in heresy, the marriage would be invalid;† whence it is supposed, he says, that she only obliges herself not to prevent such education.

In the meantime, this kind of stipulation is null, since it is repugnant to the obligation of parents;

\* This is a very nice distinction indeed.

† And thus they make bastards of the offspring of all mixed marriages.



tales pactum excusare, dum pars Catholica tantum se obligat ad permittendum talem educationem ex causa vitandi majoris mali in communitate ubi Catholici et hæretici permixti vivunt: attamen dicendum cum Pontio, Braunman, et Reiffenstuel simile matrimonium cum expresso aut tacito pacto, vel sub conditione, "ut vel omnes vel aliquæ proles, v. g. masculæ educantur in secta patris hæretici," semper et ubique esse illicitum, iniquissimum et graviter peccaminosum contra naturalium parentum obligationem, ac contra jus divinum et ecclesiasticum: Etenim quis parentum tenetur ex pietate curare ut proles in vera fide educetur, mediaque ad salutem necessaria acquirat: ergo non potest pacto se obligare quo permetteret educationem proles in secta damnabili.

Nec contra faciunt usus et consuetudo palam in pluribus locis exsistentes: nam pactum hoc est contra jus divinum, contra quod consuetudo etiam immemorialis nihil operatur.—Dens, tom. 7, p. 144, 5.

Nota quod si Catholicus scienter contrahat matrimonium cum parte hæretica, non possit ex eo capite se ab ea separare, quia renunciavit juri Divortii: excipe tamen nisi hæreticus conversionem suam promississet, nec stare promissis: item si Catholicus sciat sibi imminere periculum amittendæ fidei ex cohabitatione cum hæretica.—Dens, tom. 7, p. 180.

Similiter Sanchez existimat in copula fornicaria partis Catholicæ cum hæretica reperiri malitiam con-

and although some endeavor to excuse such compact, whilst the Catholic party only obliges herself to permit such education, for the sake of avoiding greater evil in a community where Catholics and heretics live mingled together: however, we must say with Pontius, &c., that such marriage, with express or tacit compact, or under the condition "that either all, or any or the children, for instance, the males be educated in the sect of their heretical father," is ALWAYS and EVERYWHERE unlawful, most iniquitous and grievously sinful against the natural obligation of parents, and against the divine and ecclesiastical law; for every parent is bound piously to take care that her offspring be educated in the true faith, and acquire the necessary means for salvation; therefore she is bound by no obligation to permit the education of her offspring in a damnable sect.\*

Nor does usage and custom openly existing in several places make against this; for this compact is against divine law, against which even immemorial custom operates nothing.—Dens, v. 7, p. 144, 5.

Note, that if a Catholic knowingly contract marriage with a heretic, he cannot on that head separate himself from her, because he has renounced the right of divorce; except, however, unless the heretic promised her conversion, and would not stand to her promise; also, if the Catholic knows that he is in imminent danger† of losing the faith by cohabiting with a heretic.—Dens, v. 7, p. 180.

In like manner, Sanchez is of opinion, that when a Catholic commits fornication with a heretic, there

\* Thus, if the Hierarchy were established in England, and the Canon Law introduced into these countries, all the children from every mixed marriage would be obliged to be brought up as Roman Catholics, or else be declared illegitimate. Let us look at Prussia and take warning in time.

† Danger. That is, even if there was no agreement before marriage, and thus they make bastards of the offspring of all mixed marriages.

tra religionem; quia, quamvis validum sit matrimonium cum parte hæretica, per se tamen est illicitum, et deducus religionis, item ob periculum perversionis, educationis prolis in hæresi, quæ rationes militantes etiam in copula fornicaria.—Dens, tom. 7, p. 196, 7.

is found in the act, a malice against religion; because, although the marriage of a Catholic with a heretic is valid, it is, however, in itself invalid, and a disgrace to religion, as also on account of the danger of perversion, and of educating the offspring in heresy, WHICH REASONS MILITATE EVEN IN FORNICARIOUS\* COPULATION.—Dens, v. 7, p. 196, 7.

### LIGUORI TEACHES THAT IT IS LAWFUL TO CONCEAL OR DISSEMBLE THE FAITH.

IN his Second Book, Treatise First, he treats of the mysteries and obligation of faith;—in Chapter Third, he goes on to treat of concealing, dissembling, and even denying the faith.

It is asked, whether it is lawful to deny the faith, or to profess a false one? He answers:

"Resp. Nullo casu licet, sive voce, sive alio signo fiat, dicente Christo. *Qui negaverit me coram hominibus*, etc. Interim vero, etsi licitum non est mentiri, seu simulare quod non est, licet tamen dissimulare quod est, sive tegere veritatem verbis, aliis vel signis ambiguis et indifferentibus, ob justam causam, et cum non est necessitas fatendi. Est comm. S. Thom. Kon. dis. 15. dub. 2 n. 9. laym. 1. 2. t. i. c. 11."

"Qui rogatus seu privata seu publica auctoritate vel tacet, vel respondet obscure, vel ait se nolle respondere; se jure non rogari, non teneri se nec velle aliis dicere quid ipse credat, ac simili modo tergiversatur, non videtur negare fidem, sed nolle prodere. Unde, si sic possit molesta inquisitione liberari, licet, ut habet Kon l. c. generatim enim verum non est, quod interrogatus ab auctoritate publica teneatur positive fidem profiteri, nisi quando id neces-

"In no case is it lawful, whether it be done by voice or any other sign, Christ having said, 'He who hath denied me before men,' &c. In the meanwhile, indeed, though it is not lawful to lie, or to feign what is not, HOWEVER, IT IS LAWFUL TO DISSEMBLE WHAT IS, OR TO COVER THE TRUTH WITH WORDS, or other AMBIGUOUS and DOUBTFUL signs, for a JUST CAUSE, and when there is not a necessity of confessing."

"He who, being asked either by private or public authority, is silent, or answers obscurely, or says that he does not wish to answer—that he is not justly interrogated—that he is not bound, nor does he wish to speak to others what he himself may believe, and in like manner tergiversates, does not appear to deny the faith, but is unwilling to betray it. Whence, if thus he may be able to deliver himself from a troublesome investigation, IT IS

\* His holy horror of heresy carries him so far as to pronounce it more sinful to commit fornication with a Protestant than with a Roman Catholic girl. No doubt these Divines speak from experience!



sarium est, ne præsenti-  
bus videatur fidem  
negasse." Kon. d. 15 dub.  
2. Navarr. Azor. Sanch. Bec. c. 9.  
quæst. 4. (Hac de vide propos. 8.  
inter damnatas ab Innocent XI.)

He now considers the case of a Romanist NOT asked concerning his faith.

"Cum non rogaris de fide, non solum licet, sed sæpe melius est ad Deum honorem, et utilitatem proximi, tegere fidem quam fateri: ut si latens inter hæreticos plus boni facias; vel si ex confessione plus mali sequeretur, verbi gratia, turbatio, necesse, exacerbatio tyranni periculum defectionis, si torquereris. Unde temerarium plerumque est offerre se ultro. S. Th. Sanch. Laym. c. 11, n. 2."

LAWFUL; for, generally it is not true that he who IS INTERROGATED by public authority is positively bound to profess the faith,\* unless when that is necessary, lest he may appear to those present to deny the faith."

"When you are not asked concerning the faith, not only is it lawful, but, often more conducive to the GLORY of God and the utility of your neighbors to cover the faith than to confess it; for example, IF CONCEALED AMONG HERETICS you may accomplish a greater amount of good; or, if from the confession of the faith more of evil would follow—for example, great trouble, death, the hostility of a tyrant, the peril of defection, if you should be tortured: whence it is often rash to offer one's self willingly."

Observe how Popery adapts itself so as to bamboozle the people of every country, viz.:

"In Germania audire conciones hæreticorum, deducere funus, assistere baptismo pro patrino, non habentur signa professiva fidei, vel communionis cum hæreticorum sacerdotibus. Filliuc. Azor. Sanch. ll. cc. Unde seclusis aliis, v. gr. scandalo, periculo, prohibitione, etc. si ex justa causa fiant, licent."

"IN GERMANY,† to hear the sermons of heretics—to attend at a funeral—to act as sponsor for a child in baptism, are not esteemed signs of professing the faith, or of communion with the religious offices of heretics. Whence, other things apart, viz., scandal, peril, prohibition, &c., if they may be done for a GOOD CAUSE, THEY ARE LAWFUL."

### ON EQUIVOCATION IN GENERAL.

In treating on the subject of oaths, this approved Saint (Liguori) asks, in the fourth question, if it is lawful to use EQUIVOCATION in an oath. He replies by saying, that there are two general reasons for swearing with equivocation.

First, for a just cause.

Secondly, without a just cause.

\* But Christ says, "Whosoever shall deny me before men, him will I also deny before my Father which is in heaven." And how did Paul act when he was examined in public, and was in danger of death?

† Mark! in Germany these are not sins, but elsewhere they are.

In Number 151, he first quotes the opinion of Sanchez and others, and afterwards gives his own views.

"Resp. Jurare cum equivocacione; quando justa causa est, et ipsa equivocatio licet, non est malum: quia, ubi est jus occultandi veritatem, et occultatur sine mendacio, nulla irreverentia fit juramento. Quod si sine justa causa fiat, non erit quidem perjurium cum saltem secundum alivum sensum verborum, vel restrictionem mentalem verum juret; erit tamen ex genere suo mortale contra religionem, cum sit gravis irreverentia, ad alterum in re gravi decipiendum, usurpare juramentum. Ita communiter DD. Sanch. lib. 3. cap. 6. Bon. p. 12, Laym. cap. 13."

"To swear with equivocation, when there is a just cause, and equivocation itself is lawful, IS NOT EVIL; because, where there is a just cause for concealing the truth, and it is concealed without a lie, no detriment is done to an oath; but if it is done without a just cause, it will not indeed be a perjury; since, according to one sense of the word, or mental restriction, he swears true; however, it will be, OF ITS OWN NATURE, a mortal sin against religion. It will be a great irreverence to take an oath to deceive another in a grave matter."

We shall now submit the "First Principles of Equivocation" by (Saint?) Liguori; and then proceed to give a few cases (by way of illustration) as we find them stated by the Saint himself.

First, to swear with equivocation for a just cause, is, he says, undoubtedly lawful.

"Ad majorem claritatem pro hic dictis; et dicendis in hac materia tam difficili, plura sunt distinguenda. Primo loco distinguendum, aliam esse amphibologiam, sive equivocacionem; aliam restrictionem mentalem."

"For the clearer understanding of what is said here, and to be said in this very difficult question, many distinctions are necessary. In the first place, we are to distinguish, that one is double speaking, or equivocation, and the other is mental restriction (or reservation).

"Amphibologia triplici modo esse potest. I. Quando verbum habet duplicem sensum, prout, volo significat velle, et volare. II. Quando sermo duplicem sensum principalem habet, v. gr. Hic liber est Petri; significare potest quod Petrus sit libri dominus, aut sit libri auctor. III. Quando verba habent duplicem sensum, unum magis communem, alium minus, vel unum literalem, alium spirituales, ut verba illa quæ dixit Christus de Baptista: Ipse est Elias. Et Baptista dixit: Ego non sum Elias."

"Double speaking can be used in a three-fold manner.—I. When a word has a double sense, for example, volo signifies to wish, and to fly. II. When an expression has a double principal meaning, as, This Peter's book, can signify either Peter is the owner, or the author of the book. III. When words have a double sense, one more common, the other less common, or one literal, the other spiritual, as, when Christ said, 'He is Elias,' and the Baptist said, 'I am not Elias.'"

"His positis, certum est et com-

THESE THINGS BEING POSIT—

\*Irreverence,—That is, it would be as well to avoid it; but, if hard pressed, it is only a trifle.



mune apud omnes, quod ex justa causa licitum sit uti æquivocatione modis expositis, et eam juramento firmare. Ita Less. l. 2. c. 41. n. 47. Card. diss. 19. n. 35. Salm. tr. 17. de Juram. cap. 2. n. 115. ex S. Hieron. c. 22. q. 2. qui dicet, *Utilem simulationem, et in tempore assumendam*; quod explicans S. Th. 2. 2. q. 111. art. 1. ad 2. ait: *S. Hieronymus* utitur largo nomine simulationis pro quacumque fictione. Ratio, quia tunc non decipimus proximum, sed ex justa causa permittimus ut ipso decipiatur; ex alia parte non tenemur ad mentem aliorum loqui, si justa causa subsit. Justa autem causa esse potest quicumque finis honestus ad servanda bona spiritui, vel corpori utilia." Salm. ibid. n. 109. cum Val. Sanch. pont. et Leand.

2nd. To swear with equivocation, without a just cause, is, he says, only a venial sin.

"Ratio hujus probabilioris sententiae est, quia in hujusmodi juramento jam adsunt veritas et justitia: deficit tantum judicium sive discretio, cujus deficientia non est nisi venialis. Nec obstat quod ait Viva, scilicet, quod taliter jurans exerceat invocet Deum ad testificandum falsum, nam reipsa invocet ad testificandum verum, juxta suum sensum, quamvis permittit ex justa causa, ut alter ex sua incuria, vel inadvertentia decipiatur."

We now proceed to instances of equivocation and mental restriction, by way of illustration:

"II. Reus, aut testis, a judice non legitime interrogatus, potest jurare se nescire crimen quod revera scit; subintelligendo nescire crimen

\*Oaths are never administered except to assist us in obtaining or "preserving good things;" therefore "a just cause exists" on all occasions when an oath is required. Ergo, whenever we have occasion to take an oath, we need not hesitate about perjury, but may practice a little of what is technically phrased "hard swearing."

LISHED, IT IS A CERTAIN AND A COMMON OPINION AMONGST ALL DIVINES THAT, FOR A JUST CAUSE. IT IS LAWFUL TO USE EQUIVOCATION IN THE PROPOUNDED MODES, AND TO CONFIRM IT (EQUIVOCATION) WITH AN OATH. Thus Less. and many others say, That simulation is useful, and on an occasion to be used; which St. Thomas explaining, says, that St. Jerome uses the comprehensive term of simulation for any sort of feigning. The reason is, because, on the one hand we do not deceive a neighbor, but permit him to be deceived for a good cause: on the other hand, we are not bound to speak so that others may understand us, if a just cause exists. But, a just cause is any honest end in order to preserve good things\* for the spirit, or useful things for the body."

"The reason of this more probable opinion is, because in such an oath, already truth and justice are present, only judgment or discretion is wanting, which deficiency is only venial; neither does what Viva says afford any obstacle to this opinion, namely, that a person swearing in such a manner invokes God to witness a falsehood, for he in very deed invokes God to witness what is true according to his own sense, although he permits, for a just cause, that another either through want of care or inadvertency should be deceived."

"The accused, or a witness not properly interrogated, can swear that he does not know a crime which in reality he does know, by understand-

*de quo legitime possit inquiri, vel nescire ad deponendum.*

ing that he does not know the crime concerning which legitimately he can be inquired of, or that he does not know it so as to give evidence concerning it."

When the crime is altogether concealed, the witness is bound to say that the accused did not commit it.

"Idem, si testis ex alio capite non teneatur deponere; nempe si ipsi constet crimen caruisse culpa, ut Salm. d. c. 2. n. 259. et Elbel n. 145. Vel si sciat crimen, sed sub secreto, cum nulla præcesserit infamia, ut Card. ibid. n. 51."

"Reus tamen, vel testis, vel legitime a judice interrogatus, nequit ulla æquivocatione uti, quia tenetur justo præcepto superioris parere. Est communis Salm. c. 2. n. 146. cum Sot. Less. Sanch. etc. cum Bus n. 2; et idem dicendum de juramento in contractibus onerosis, quia alias injuria alteri irrogaretur, Salm. ibid. Excipe in judicio, si crimen fuerit omnino occultum; tunc enim potest, imo tenetur testis dicere reum non commisisse. Tamb. c. 4. § 2. n. 4. cum Card. et Pot. ut. sup. Et idem potest reus, si non adest semiplena probatio, etc. Tamb. § 3. n. 2. cum communi; quia tunc judex non legitime interrogat."

"The same is true if a witness on another ground is not bound to depose; for instance, if the crime appears to himself to be free from blame, or, if he knows a crime which he is bound to keep secret, when no scandal may have gone abroad."

"However, the accused, or witness, or one legitimately interrogated by a judge, cannot use any equivocation, because he is bound to render obedience to the just command of his superior. This opinion is common to Salm. and others; and the same is to be said concerning an oath in important contracts; because, if it were not so, another would suffer injury (Salm. ibid). Except however, in a trial, where the crime is altogether concealed. For then he can, yea, the witness is BOUND TO SAY, that the accused did NOT commit the crime. And the same course the accused can adopt, if the examination is not complete, because then the Judge does not legitimately interrogate."

He now teaches that a false witness, and a man who in making a contract deceives another, by swearing equivocally, may be absolved, and that neither is guilty of perjury.

"Sed quaeritur hic 1. an, si talis reus, vel contrahens, qui æquivoce jurando decepit, possit absolvi nisi, veritatem manifestet. Negant aliqui non improbabiler; sed probabilis affirmant Sanch. Dec. 1. 2. c. 7. n. 8. et Salm. c. 2. n. 147. cum Philarch. quia tali juramento (quod perjurium nequit dici) non peccavit contra justitiam commutativam, sed contra legalem. et obedientiam judicii debitam, cujus præceptum detegendæ veritatis transiens est, duratque so-

"But here it is inquired, 1. If such an accused person, or one who, making a contract, deceives by swearing with equivocation, may be absolved unless he makes known the truth? Some not improbably answer in the negative, but MORE PROBABLY Sanch. and Salm. with Philarch. SAY THAT HE CAN BE ABSOLVED, because in such an oath (WHICH CANNOT BE CALLED A PERJURY) he has not sinned against commutative justice, but against



lum dum judex interrogat. Idem que dicit Sanch. ibid. de teste mentiente. Et ideo uterque absolvi potest, quin veritatem revelet."

"Quæritur 2. An reus legitime interrogatus possit negare crimen etiam cum juramento, si grave damnum ex confessione ipsi imminet?"

"Negat Elbel n. 44. cum D. Th. d. art. 1. ad 2. et quidem probabilius, quia reus tenetur tunc pro communi bono damnum illud subire. Sed satis probabiliter Lugo de Just. d. 40. n. 15. Tamb. lib. 3. c. 4. § 3. n. 5. cum Sanch. Viva q. 7. art. 4. n. 2. Sporer de Præc. c. 1. num. 13. item Elbel dict. num. 144. Card. in Propt. Innoc. XI. diss. 19. num. 78. cum Nav. Less. Sa. et Fill. et aliis pluribus dicunt, posse reum, si sibi imminet pena mortis, vel carceris, aut exilii perpetui, amissionis omnium bonorum, trivium, et similia, negare crimen, etiam cum juramento (saltem sine peccato gravi), subintelligendo *non commisisse quatenus teneatur illud fateri*, modo sit spes vitandi poenam: ratio, quia lex humana non potest sub gravi obligare homines cum tanto onere. Additque Elbel, hanc sententiam licet minus probabiliter insinuat, tamen esse reis et confessariis, ut liberentur illi a culpa gravi, in quam facillime inciderent si ad confessionem criminis obstringerentur." Vid. dicenda 1. 4. n. 274.

Passing over a few unimportant matters, we come to something "short and sweet."

"Qui juravit se servaturum secretum, non peccat contra juramentum illud detegendo, quando non

legal justice, and due obedience to a Judge whose command of unfolding the truth is transient, and only lasts while the Judge interrogates. And the same thing Sanchez says in the same book concerning a lying witness. And, therefore, each of them can be absolved, but he should reveal the truth."

"It is asked, 2. Whether the accused, legitimately interrogated, can DENY a crime, EVEN with an oath, if the confession of the crime would be attended with great disadvantage?"

"Elbel denies that he can, with S. Th. d. art. 1. ad 2., and indeed more probably, because the accused is then bound for the general good to undergo the loss. But sufficiently probable, Lugo de Just. d. 40. n. 15. Tamb. lib. 3. c. 4. § 3. n. 5. cum Sanch. Viva. q. 7. art. 4. n. 2. with MANY others, say, that the accused, if in danger of death, or the prison, or perpetual exile—the loss of all property, the danger of the gallows, and such like—can deny the crime even with an oath (at least without great sin) by understanding that he did not commit it so that he is bound to confess it, only let there be a hope of avoiding the punishment. The reason is, because human law cannot lay men under so great an obligation with so severe a penalty. And Elbel adds, that this opinion, although less probable, should be suggested to the accused and confessors, that they may be delivered from great blame,\* into which they would easily fall if they should be bound to the confession of the crime."

"He who hath sworn that he would keep a secret, does not sin against the oath by revealing that

\* This caution is evidently intended to screen the Confessor from the consequences of his complicity.

potest illud celari absque gravi suo vel alterius damno, quia ipsa promissio secreti non videtur obligare, nisi hac conditione, si non noceat.

"Qui juravit judici se dicturum quæ novit, non tenetur revelare occulta. Ratio patet." Less. Bonac. Trull. loc. cit.

Thus we see, while Rome weakens the obligations of all oaths, to serve her own purposes, she can render them stringent in the accomplishment of sin.

"Pariter Less. c. 52. num. 48. cum Alex. Bart. etc. qui eligendus est in officium, interrogatus an habeat aliquod impedimentum, potest negare, si revera illud non sit tale quod impediatur."

Sed quæritur 1. An creditor ex instrumento possit asserere cum juramento nihil sibi solutum, si revera sit pars soluta, sed ipse ex alio capite habeat creditum, quod probare non possit. Respondetur posse, dummodo non juret eam quantitatem sibi deberi ex illo instrumento, ne aliis creditoribus anterioribus damnum inferatur. Ita Salm. c. 2. n. 143. cum Sanch. Pal. Leand. etc.

Our *Saint* now proceeds to offer a few practical suggestions on Domestic Virtue, viz:—1. How women may commit adultery with impunity: And 2. How they may afterwards deceive their husbands.

"Quæritur 2. An adultera possit negare adulterium viro, intelligens ut illi revelet? Potest æquivoce asserere se non fregisse matrimonium, quod vere persistit. Et si adulterium sacramentaliter confessum sit, potest respondere: Innocens sum ab hoc crimine, quia per confessionem est jam ablatum. Ita Card. diss. 19. n. 54. Quia tamen hic advertit, quod nequeat id affir-

secret, when he cannot conceal it without great loss to himself, or to another, because the promise of secrecy does not appear to bind, unless under this condition, if it does not injure me.

"HE WHO HATH SWORN TO A JUDGE THAT HE WOULD SPEAK WHAT HE KNEW IS NOT BOUND TO REVEAL CONCEALED THINGS. THE REASON IS MANIFEST!!!"

"[In the same manner, he who is chosen to fill an office, being interrogated whether he has any impediment, can deny that he has impediment, if that is not such as may impede.]"

"But it is asked, 1. Whether a creditor can assert by a deed, with an oath, that nothing was paid to him, though a part was paid, but he may have credit on another account which he may not be able to prove? We answer that he can, only he cannot swear that that quantity was due to him on that deed, lest other former creditors might incur loss." Salm., with many others.

"It is asked, 2. Whether an adulteress can deny adultery to her husband, understanding that she may reveal it to him? She is able to assert equivocally, that she did not break the bond of matrimony, which truly remains; and if sacramentally she confessed adultery, she can answer, I AM INNOCENT OF THIS CRIME. BECAUSE BY CONFESSION IT WAS TAKEN AWAY. Card.,

\* Thus Roman Catholic tutors and governesses may deny their religion, because that does not "impede" them from being qualified to teach. In this manner they have many insidious opportunities of poisoning the minds of Protestant pupils committed to their care. Parents, beware of this!!



mare cum juramento, quia ad asserendum aliquid, sufficit probabilitas facti; sed ad jurandum requiritur certitudo. Sed respondetur, quod ad jurandum sufficit certitudo moralis, ut diximus supra, dub. 3. n. 147, cum Salm. c. 2, num. 44. Less. Sanch. Suar. Pal. et communi. Quae certitudo moralis remissionis peccati potest quidem haberi, quando quis bene moraliter dispositus receipt poenitentiae sacramentum."

On the same subject he says:

"Ad quaesitum vero dicunt Salm. n. 144. cum Soto, non posse feminam adulterium negare, quia esset pura restrictio mentalis: Card. tamen n. 60. admittit in periculo mortis licere uti metaphora, quae communis est in Scrip. ubi adulterium sumitur pro idolatria, ut ex Ezech. xxiii. 37. *Quia adulteratae sunt . . . et cum idolis fornicatae sunt.* Imo, si crimen sit vere occultum, probabiliter, cum Bus. infra, art. 4, et Less. Trull. ibid. ac Sanch. lib. 3. Dec. cap. 2. n. 42, cum Sot. Sayr. et Arag. potest mulier negare cum juramento, et dicere; *Non commisi*; eodem modo quo reus potest dicere iudici non legitime interroganti, *Crimen non commisi*, intelligendo se non commisisse ita, ut teneatur ei manifestare; ut Tamburin. ex comm. c. 4. § 3. n. 1 et 2. Et Viva q. 7. art. 4. n. 2."

In connection with this subject, he adds the question:

"Quaeritur 1. An adultera teneatur se prodere, si sciat prolem non esse legitimam, ad evitandum detrimentum mariti, et filiorum legitimorum. Affirmant Adrian. Palud. etc., apud Croix 1. 3. p. 1. n. 332. Sed negant Sotus, Major, et alii ib. nisi ingens sit damnum, nempe regni, principatus, et simile. Alii

however, here remarks, that she cannot affirm it with an oath, because in asserting anything the probability of a deed suffices, but in swearing certainty is required. To this it is replied, that in swearing MORAL CERTAINTY SUFFICES, as we said above, which moral certainty of the remission of sin can indeed be had, when any, morally well disposed, receives the sacrament of penance."

"In answer to inquiry, Salm. n. 144, with Soto, say that a woman cannot deny adultery, because it would be purely mental restriction: Cardenas, however, n. 60, admits that, when in danger of death, it is lawful to use a metaphor\* which is common in Scripture, where adultery is taken for idolatry, as in Ezek. xxiii, 37, because they committed adultery, and were guilty of fornication with idols. Yea, if the crime may truly be concealed, probably with Bus. &c., a woman can deny with an oath, and say, I did not commit the crime; in the same way that the accused can say to his judge, not legitimately interrogating, I did not commit the crime, understanding that he did not so commit it, that he is bound to manifest it to him, as Tamburin," &c.

"Whether an adulteress be bound to betray herself, if she know that her offspring is not legitimate, for the sake of avoiding detriment to her husband and legitimate children? Adrian, &c., affirm that she is; but Sotus and others deny that she is, unless there be great injury, for example, to the kingdom, princi-

\* What audacity!! Did any one ever hear of such a metaphor?

nero, ut Cajetan. Less. Scotus, Vasq. Med. Ricc. etc. apud Lugo d. 13. n. 45. negant ullo casu teneri matrem se infamare; et probant ex Cap. Officii 9. de Poen. et Rem. ubi dicitur: Mulieri quae ignorante marito de adulterio, prolem suscipit, quamvis id viro suo timeat confiteri, non est communiter poenitentia dene-ganda."—Vid. Carden, &c.

He now goes on to recommend the safest and most systematic means of encouraging profligacy. The reader will observe, that we are still quoting from our old friend, the immaculate Saint of 1839.

"Sic pariter si quis fuerit coactus ad matrimonium potest iudici asserere etiam cum juramento, *se non contraxisse* scil. libere, ut par erat; Tol. lib. 4. c. 21. Laym. c. 14. n. 8. Nav. in c. Humanæ aures 22. q. 5. et Spor. loc. cit. qui idem ait de eo, qui irrita sponsalia inivit. Pariter qui matrimonium promisit, sed inde non tenetur ad illud, potest negare promissionem, scilicet, *ut ex illa teneatur.*" Salm. n. 140.

"Quaeritur 1. utrum qui promittit concubinæ cum juramento aliam non cogniturum, teneatur ad illud. Negant Dian. cum Fagn. quia finis talis promissionis fuit pravus, nempe conservandi amicitiam, et quia tale juramentum præberet occasionem permanendi in peccato. Sed affirmant probabilius Salm. cap. 2. cum Sanch. et Prad. quia ex regula generali impleri debet juramentum semper, ac impleri possit sine peccato: occasio autem illa venit per accidens."

pality, and the like. But others, as Cajetan, Less., Scotus, &c., deny that in any case a mother is bound to make known her guilt, and they prove their views from Cap. Officii 9, de Poen. et Rem., where it is said: To the woman who, the husband being ignorant of the adultery, receives offspring, although she may fear to confess that to her own husband, penance is not to be refused."

"Thus, likewise, if any one may have been forced into matrimony, he can assert to a Judge, even with an oath, that he did not contract marriage, to wit, freely, as it was fit; Tol. and Spor. say the same thing concerning a man who has entered into marriage, which is null and void. Likewise he who hath promised marriage, but thence is not bound to marriage, can deny the promise, that is, so as to be bound by it.

"It is inquired, 1. Whether he who hath promised to a harlot, with an oath, that he would not know any other, is bound to that oath? Dian. and Fagn. deny that he is, because the end of such a promise is wicked, to wit, of preserving friendship, and because such an oath would afford an occasion of continuing in sin. But Salm., Sanch., and Prad. answer, WITH MORE PROBABILITY that the oath should be observed, because, according to the general rule, an oath ought always to be fulfilled, and can be fulfilled without sin; but that occasion comes by accident."

Here we are told, that not only those who have promised marriage, but those also who are actually married, can assert to a Judge, even with an oath, that they did not enter into either of these solemn engagements; meaning thereby, that they did not enter into them *freely*, or so as to be bound by them. Nevertheless, if a man has promised to a harlot, with



an oath that he would not *know* any other, he is bound by *that* oath. Thus we see that, between betrothed persons, and between husbands and wives, the obligation of oaths may be entirely disregarded; and that, in cases of adultery, a wife may use an oath to screen her own wickedness and deceive her husband. But the depraved fornicator is *bound* by his oath to a degraded *harlot*. After such a declaration, surely her Scarlet Ladyship cannot object to our calling her by the appropriate appellation of "Mother of Harlots." It is interesting to observe the maternal solicitude which she here displays for the protection of "the young ladies of her establishment." To her *unmarried* sons she has entrusted the performance of this delicate office of

"Bending the twig,  
To give the inclination to the tree;"

and faithfully do they perform it; for, if we may judge from the *nature* of their studies,\* they do not allow much else to interfere with this

"Delightful task!  
To teach the young idea how to rise,  
Flush in the cheek, and languish in the eyes."

Without much fear of doing violence to their holy horror of *equivocation* and *mental reservation*, they may say.

"Our only books are *women's looks*,  
And *folly's* all they've taught us."

We are now informed by the *Saint*, that the Pope can exonerate an individual from any oath accepted by a third person, **NO MATTER HOW BINDING.**

"Limitatur tamen dictio II. mox lata in tribus casibus.—I. Si jurans sit subditus, et juramentum sit circa ea quæ superiorum potestati subduntur, ut docet, S. Thom. l. c. Ideo Pontifex irritare potest omnia juramenta circa beneficia, officia ecclesiastica, etc. Parentes etiam possunt irritare juramenta impuberum, non vero puberum circa res proprias ipsorum; tutores pupillorum; superiores religiosorum; viri uxorum circa bona dotalia; domini servorum." Vid. omnia ap. Salm. c. 3. ex. n. 4. cum Bus. n. 2.

"Lim. II. Si juramentum non possit servari sine damno communi, prout esset juramentum non denun-

"However, the second assertion, just now made, is limited in three cases.—I. If he that swears is a subject, and the oath is about those things which are under the control of the superiors, as St. Thomas teaches. Therefore the Pope can abrogate all oaths about benefices, ecclesiastical offices, &c. Parents also can abrogate the oaths of children under age, but not of children who are of age, in matters concerning their own property. Tutors can annul the oaths of their pupils. Superiors of the religious orders; † husbands of their wives about dowry goods; masters of their servants."

"II. It is limited if an oath cannot be observed without common loss, such as would be the oath of not

\* Students in Maynooth College devote fifty-nine hours every week to the study of these filthy Treatises upon, what their Professors are pleased to call, MORAL, (but what Dr. Johnson would more accurately describe as IMMORAL) Theology.

† Monks, Nuns, &c.

tiandi, non accusandi, etc. vel super contractu a lege vetito, v. gr. solvendi poenam, si quis resiliat a sponsalibus; quod prohibetur cap. Gemma de Spons. (An etiam solvendi perdita ludo prohibito, ut dicunt Salm. Vide dicenda de Ludo tract. de Cont. d. 13.) Talia juramenta verius relaxatione non indigent cum de se sint nulla juxta dicta n. 177. v. Aliter. Esto tamen essent valida, ab Ecclesia relaxari possunt. Salm, ibid. n. 6. cum Sanch. Pal. et Guittier. Nomine autem Ecclesiæ veniunt non solum Pontifex, sed etiam episcopi, capitula, sedibus vacantibus, et alii jurisdictionem episcopalem habentes, ut Salm. n. 7. et 8. et etiam confessarii delegatam facultatem habentes dispensandi in votis, qui possunt etiam talia juramenta relaxare: ut Busemb. n. 3. et Salmantic. num. 9. cum Rodr. et Ledesen.

denouncing—not accusing, &c., or about a contract forbidden by law; for example, for inflicting punishment if any one does not adhere to espousals; which is prohibited in chap. Gemma de Sponsa (whether also of paying money lost by forbidden game. See what is said on gaming in the tract which treats of contracts, d. 13). Such oaths truly do not need relaxation, since THEY ARE OF THEMSELVES NULL AND VOID, in accordance with what is said in number 177. v. Aliter. **HOWEVER LET THEM BE EVER SO VALID, THEY CAN BE RELAXED BY THE CHURCH:** but in the name of the Church are included not only the Pope, but also bishops, chapters, the episcopal seat being vacant, and others having episcopal jurisdiction, and also confessors having a delegated faculty of dispensing in vows, who are able also to relax such oaths."

## TO DO EVIL THAT GOOD MAY COME.

Liguori holds this to be lawful. In page 419 he says:

"Utrum Liceat suadere, aut permittere minus malum ad majus evitandum. *Prima sententia* negat, prout tenet Laym. d. Car. c. 12. n. 7. cum Azor. et aliis. Ratio, quia comparativum non tollit positivum: unde qui suadet minus malum, vere malum suadet. Limitat vero Laym. cum Azor. nisi malum illud sit virtualiter inclusum in illo alio majori. Sic parato aliquem occidere potes suadere ut manum tantum amputet; eidem tamen, non alteri designato sic etiam volenti adulterari potes suadere fornicationem cum soluta in generali, non autem in particulari. Admittunt hoc Salm. loc. cit. dummodo ille decreverit utrumque malum patrare, cum Nav., etc. At Laym. indistincte loquitur, et Sanch. cum secunda sententia, ut mox dicetur,

"Whether it may be lawful to induce or to permit a lesser evil for the avoiding of a greater one. The first opinion denies that it is, according as Laym. and others hold. The reason of which opinion is, because a comparative does not take away the positive evil; whence he who induces one to commit a smaller sin, truly induces him to commit a sin. But Laym. with Azor limits it unless that evil is virtually included in that other greater evil. Thus you may be able to persuade any one who is determined to commit murder that he should only cut off the hand, however, of the same person, not another chosen person: thus also you may persuade a man wishing to commit adultery to commit fornication with an unmarried



hanc limitationem expresse rejicit: quia (dicit) tunc minus malum proponitur, non ut alter illud perpetret, sed ut a majori retrahatur.

"*Secunda* igitur sententia probabilior tenet, licitum esse minus malum suadere, si alter jam determinatus fuerit ad majus exequendum. Ratio, quia tunc suadens non quaerit malum, sed bonum, scilicet electionem minoris mali. Ita Sanch. de Matrim. lib. 7. d. XI. n. 15. cum Sot. Mol. Nav. Medin. Sylvest., et aliis pluribus, ac Salm. tract. 21. c. 8. n. 58. cum Cajet. Sot. Pal. Bonac. etc. probabilem putat Croix lib. 2. n. 223. Hinc docet id. Sanch. n. 19. cum Cajet. Sot. Covar. Valent. parato aliquem occidere licite posse suaderi ut ab eo furctur, vel ut fornicetur. Et probat ex S. August. in c. Si quos verius, 33. q. 5. ubi: Si enim facturus est quod non licet, jam faciat adulterium, et non faciat homicidium; et vivente uxore sua, alteram ducat, et non humanum sanguinem fundat. Ex quibus verbis, jam faciat adulterium, probat Sanch. dict. n. 15. cum Soto, Mol. Nav. Abb. etc. S. doctorum, non tantum permittendo, sed etiam suadendo locutum fuisse. Et hoc addit Sanch. 23. cum Sal., licere non solum privatis, sed aliis quibus ex officio incumbit impedire peccata subditorum."

Surely this one fearful extract is quite enough on this subject.

person in general, but not with any one in particular. This Salm., in the place cited, with Nav., &c., admit, provided that he hath determined to commit either evil. But Laym. speaks indistinctly with the second opinion (as will be hereafter be shown), and Sanchez rejects expressly this limitation, because, he says, then a less evil is proposed to him, not that the other should perpetrate that, but that he should be drawn from a greater.

"Therefore the second opinion is the more probable one, that it is lawful to induce a man to commit a less evil, if the other has already determined to perpetrate a greater. The reason is, because he that persuades does not seek an evil but a good, to wit, the choice of a lesser evil; thus Sanch. and many others think it probable. Hence, Sanchez &c. teach, that it is lawful to persuade a man determined to slay some one, that he should commit theft or fornication, and he proves it from St. Augustin, 'For, if he is about to do that which is not lawful, in that case he may commit adultery, and he may not commit homicide; and, *though his own wife is alive, he may marry another*, and not shed human blood.' From which words, 'now he may commit adultery,' Sanchez and others prove that the doctor not only was speaking of permitting, but **EVEN OF PERSUADING**. And this, adds Sanchez, &c., that it is lawful not only for private persons, but even confessors, parents, and others upon whom the duty is *officially* incumbent, to prevent the sins of those under them."

## IS IT LAWFUL TO AFFORD AN OCCASION OF SIN.

Some of the doctors say it is not lawful; but Liguori, and a great many others, whom he quotes, hold the contrary opinion, as you shall see by the following extracts:

"*Hero licet non auferre occasionem furandi filiis aut famulis, cum eos, nihilominus ad furandum propensos et paratos novit, ut sic deprehensi puniantur et recipiscant: tunc enim rationabiliter permittit furtum unum, ut evitentur plura.* Sanch. Laym. Bon. (Et hæc sententia videtur satis communis cum Sanch. de Matrim. 1. 10. d. 12. n. 52. qui citat pro ea Sot. Led. Nav. Sal. etc. Et consentit D. Th. in supp. 3 part. q. 62, art. 3. ad. 4. ubi: Quandoque vir uxorem suspectam de adulterio habens ei insidiatur, ut deprehendere possit eam cum testibus in crimine fornicationis; et sic potest ad accusationem procedere. Idem admittit Tourn. 3. p. 337. cum Antoine."

Sanchez thinks it *probable* that it is not lawful to place an occasion of sin before a person.

"Probabile est non licere talia ultro ponere, aut iis objicere, quia positive concurreret ad peccatum; et non tam auferret occasionem quam poneret: sa. v. Peccatum, et Sanch. qui ex eadem causa docet non licere marito dare uxori ansam adulterandi vel adultero, ut tentet uxorem."

"It is lawful for a master not to take away the occasion of stealing from his children or servants, when, notwithstanding, he knew that they had a propensity and were prepared to commit theft, that, thus taken in the act, they may be punished and come to repentance; for, then, reasonably he permits one theft, that more may be avoided. And this opinion appears sufficiently general, with Sanch. de Matrim., who quotes in its support many others; and St. Th. agrees with it where he says—Whensoever a man, having a wife suspected of adultery, lays a snare for her, that he may be able, even with witnesses, to detect her in the act, and thus is able to proceed against her."

"It is probable that it is not lawful willingly to place such things or to put them in the way, because that would be positively a concurrence in the sin, and would be not so much the taking away of an occasion, as the placing it in the way. Sanch. and others, for the same reason, teach that it is not lawful for a husband to give to his wife the occasion to commit adultery, or to the adulterer an opportunity to seduce his wife, for the sake of bringing her virtue to the trial."

But Laym. and Liguori maintain that it is lawful.

"Interim probabiliter contrarium docet Laym. lib. 2. t. 3. cap. 13. quod confirmari potest exemplo Judith, quæ vix aliter videtur fecisse c. 9. Cum enim sciret permissionem libidinis in Holoferne fore

"Meanwhile, Laym. probably teaches the *contrary* opinion, which can be confirmed by the example of Judith, who scarcely appears to have done otherwise, c. 9. For when she knew that the permission of lust in



impeditivan malorum, posuit ei occasionem, nempe ornatum suum, aloqui licitum, et tamen communiter censetur in hoc non peccasse." Vide Bonac. d. 2. q. 4. pag. 2. Palaum hic.

Liguori now states his own view as follows:

"Sed hoc non obstante, satis probabilis videtur prima sententia, quia cum maritus vel dominus præbet ansam mæchandi, vel furandi, non vere inducit ad peccandum, sed præbet occasionem, et permittit, peccatum alterius ex justa causa scilicet, ut se indemnem servet a periculo damni obtenturi. Aliud enim est inducere, aliud, præbere occasionem. Illud est intrinsece malum, non autem hoc."

Holofernes would be an impediment to evils placed before him the occasion, namely, her own beauty, otherwise lawful, and yet in this she is commonly thought not to have sinned."

"But this reason not being valid, the first opinion appears sufficiently probable, because when a husband or master affords an opportunity of committing adultery or theft, he does not truly induce to sin, but he affords an occasion of sin, and permits the sin of another for a just cause, viz., that he may preserve himself from an evil which is about to come. For it is one thing to induce to—another thing to afford an occasion of sin. The former is intrinsically evil; the latter is not intrinsically evil."

He then proceeds to ask, "Whether it may be lawful to co-operate materially in the sin of another?" Here again our Saint is not guided by the immutable principles of right and wrong, but makes a solemn "league and covenant" with sin, purely from motives of expediency.

"Quær. III. Utrum liceat famulo ostium meretrici aperire. Negat Croix, lib. 2. num. 253, at communius affirmant cum Bus. Salm. d. cap. 8. num. 74. Laym, de Carit. c. 13. resp. 5. Tamb. cum Sanch. Dian. Azor. Sâ. Rodr. etc. Nec officit propos. 51. Innocentis XI. dicens: 'Famulus qui submissis humeris scienter adjuvat herum suum ascendere per fenestras ad stuprandam virginem, et multoties eidem subservit, deferendo scalam, aperiendo januam, aut quid simile cooperando, non peccat mortaliter, si id faciet metu notabilis detrimenti, puta ne a domino male tractetur, ne trovis oculis aspiçiat, ne domo expellatur. Nam aperiendo januam ex ipsomet contextu intelligitur de apertione per vim confecta, ut recte dicunt Roncagl. de Carit. tract. 6.

"Query III.—Whether is it lawful for a servant to open the door for a harlot? Croix denies it, but more commonly Bus. and others say that it is lawful: neither does the 51 proposition of Innocent XI. oppose this opinion, saying, 'A servant who, submitting his shoulders, knowingly assists his own master in ascending by the windows for the purpose of deflowering a virgin, and oftentimes renders assistance to him in bearing a ladder, in opening a door, or in like manner co-operating, does not sin mortally, if he does that from a fear of great injury; for example, lest he should be badly treated by his master, incur his displeasure, or be expelled from his house.' For, by 'opening the door,' from the context itself, is understood opening it by force. Only

in Reg. pro praxi n. 4. post cap. 6. Salmant. ibid. n. 74. Modo (aiunt) ipso non aperiante, adsit alius qui aperiatur."

"Quær. IV. An ex metu mortis vel magni damni liceat famulo subicere humeros, vel deferre scalam domino ascendenti ad fornicandum, vi aperire januam, et similia. Negant Viva. et Milante in dict. prop. 51. P. Combina t. 2. pag. 280. Salm. n. 75. Croix lib. 2. num. 244. et alii. Quia, ut dicunt, tales actiones nunquam licent, utpote intrinsece malæ. Sed contradicunt Busemb. infra n. 68. Sanch. dict. c. 7. 22. et Less. l. 2. cap. 16. n. 59. quorum sententia spectata ratione mihi probabilior videtur."

(they say) if *he* does not open it, another is present who will."

"Query IV.—Whether from fear of death, or of great loss, it is lawful for a servant to stoop his shoulders, or bring a ladder for his master ascending to commit fornication, to force open the door, and such like? Viva, Milante, and others, deny it; because, as they say, such actions are never lawful, inasmuch as they are intrinsically evil. But Busemb., &c., speak the contrary, whose opinion, approved of by reason, appears to me the more probable!!!"

### IS IT LAWFUL TO STEAL?

Liguori not only teaches that it is allowable for servants and others to steal, but he furnishes a regular "scale of thefts" to inform thieves how much they may steal from persons in the various ranks of life, without committing a mortal sin.

In Book III., number 521, he discusses the question, "Whether a creditor can compensate himself?" and afterwards proceeds to the case of servants and others, as follows:

"Nota hic propos. 37. Innoc. XI. quæ dicebat: Famuli ac famulæ domesticæ possunt occulte heris suis surripere ad compensandam operam suam, quam majorem judicant salario quod recipiunt." Salm. de 4. præc. n. 130. cum aliis, loquentes de hac propos. damn. dicunt. I. Quod si famulus sine necessitate libere conveniat cum domino de stipendio inferiori, postea nihil possit sibi compensare: secus, si ex necessitate, ad levandam nimirum suam miseriam, conveniat de salario notabiliter minori justo. Ratio, quia decreta pontificia non intendunt obligare famulum contra justitiam."

"Note here the thirty-seventh proposition of Innocent XI., which said, 'Domestic servants, men and women, can steal from their own masters for the purpose of compensating themselves for their own labor, which they judge to be greater than the salary they receive.' The Salm., with others, speaking concerning this condemned proposition, say, 1. That if a servant without necessity, and of his own accord, make an agreement with his master for an inferior salary, he cannot afterwards compensate himself: OTHERWISE (he may), if from necessity, for the purpose, doubtless, of alleviating his own misery, he agrees upon a salary notably less than just; the reason is, because the pontifical decrees are not de-



"Dicunt II. Salmanticenses, quod si famulus ex election propria augeat operas debitas, nihil possit surripere; quia tunc censetur operam suam condonare ad conciliandam sibi domini gratiam: secus autem, si ex voluntate domini expressa, vel tacita; quia tunc servanda est regula illa, nempe, quod quivis operarius dignus sit mercede sua."

But who is to be the judge of the amount to which the servant may compensate himself? Liguori thinks the servant himself shall be the judge.

"Attamen Salm. de 4. præc. num. 137. dicunt famulum posse etiam ex proprio iudicio sibi compensare suam operam, si ipse certe iudicet se majus stipendium mereri. Quod sane videtur satis probabile mihi et aliis doctis recontioribus, si hic famulus, vel quicumque alias mercenarius sit vir prudens timoratus, et vere aptus ad recte iudicandum, ac certus sit de justitia compensationis, remoto omni hallucinationis periculo."

"Indigens, bonis absconditis ad sustentationem potest iudici respondere se nihil habere. Salm. n. 140. Pariter heres, qui sine inventario occultavit bona, si non teneatur ex illis satisfacere creditoribus, potest iudici respondere se nihil occultasse subintelligens se bonus quibus satisfacere teneatur. Salm. loc. cit. et Ronc. c. 4. reg. 2. in Praxi."

In *Dubium* II. he considers what quantity of stolen property is necessary to constitute mortal sin.

"Variæ ea de re sunt sententiæ. Nav. nimis scrupulose statuit medium regalem, alii nimis laxè 10 aureos; moderatius Tol Med. Less. etc., duos regales, etsi minus sufficiat si notabiliter noceat."

signed to lay servants under an unjust obligation."

"The Salmanticenses say, in the second place, that if a servant, of his own choice, increase his labor, he cannot steal (surripere) anything; because then he is considered to give freely his own labor for the sake of conciliating the favor of his master. But otherwise, if he does so from the expressed or tacit will of his master; because then the rule is to be observed, that the laborer is worthy of his hire."

"But the Salmanticenses say, that a servant can, according to his own judgment, compensate himself for his labor, if he without doubt judge that he was deserving of a larger stipend. Which indeed appears sufficiently probable to me and to other more modern learned men, if the servant, or any other hired person, be conscientiously prudent, and capable of forming a correct judgment, and be certain concerning the justice of the compensation, all danger of mistake being removed."

"A poor man absconding with goods for his support, can answer the Judge that he has nothing. In like manner, a master who has concealed his goods, without an inventory, if he is not bound to settle with his creditors with them, can say to a Judge that he has not concealed anything, in his own mind meaning those goods with which he is bound to satisfy his creditors."

"There are various opinions concerning this matter; Nav. too scrupulously has fixed the half of a regalis, others, with too great laxity, have fixed ten *aurei*; Tol. Med. Less. &c., moderately have fixed two *regales*, although less might suffice if it would be a serious loss."

"Resp. Ea non mathematicè sed moraliter metinda est, non tantum ex valor rei ablatæ, sed etiam ex circumstantiis personæ cui aufertur: si nimirum ei grave damnum inferatur, aut saltem caritas Christiana graviter lædatur, quomodo respectu valde divitis imo etiam regis, unus vel alter aureus notabile quid videatur: respectu vero mediocriter divitum, quatuor circiter regales, sive medius imperialis: respectu mechanicorum duo: respectu pauperis unus."

"Quoad hoc punctum, tam ad praxim scitu necessarium, nempe, quænam sit materia gravis in furto, operæ pretium est plura hic elucidare. Quidquid aliqui dicant, commune est apud DD. et non videtur posse negari, quod, ad determinandam hujus materiæ gravitatem, non possit absolute pro omnibus eadem quantitas assignari, sed ipsa determinanda sit respectu ad circumstantias personæ, rei, loci, et temporis; cum enim furti gravitas consistat in quantitate damni quod proximo inferatur: facile noementum, quod respectu unius leve erit respectu alterius erit grave."

The amount of guilt depends on the *place* in which the theft is committed, as the following most ludicrous paragraph states:

"Quæritur hic an sit mortale furari parum reliquæ sacræ. Nulli dubium quin in districtu Romano sit mortale, cum Clemens VIII. et Paulus V. excommunicationem indixerint contra eos qui invitis rectoribus ecclesiarum, furantur reliquias etiam minimas; secus probabiliter aut Croix l. 3. p. 1. n. 1603. cum Sanch Castrop. Dian. Badell, si quis furetur extra districtum aliquid minimum ipsam reliquam non deformans, neque

"These things are not to be measured mathematically, but morally, not only according to value of the thing stolen, but also according to the circumstances of the person from whom it is stolen—to wit, if he would suffer great loss, or Christian charity be grievously violated; wherefore, in respect of a very rich man, or even of a king, one or two *aurei* appear something notable; but in the case of a man of moderate wealth, about four *regales*, or the half of an *imperial*; in the case of a mechanic, two; in the case of a poor man, one."

"As to this point, so necessary for a practical knowledge, viz.:—What may be the grievous matter in a theft? it will be worth while here to elucidate many things.—Whatsoever some may say, it is the common opinion of divines, and it does not appear *possible* to be denied, that, in determining the quantity of the matter, the same quantity cannot be absolutely assigned for all, but it is to be measured according to the circumstances of person, property, place, and time, since the seriousness of the theft consists in the quantity of the loss which is sustained by the neighbor; certainly a loss which will be light in respect of one man will be grievous in respect of another."

"Here it is asked, whether it be mortal sin to steal a small piece of a relic? There is no doubt but that in the district of Rome, it is mortal sin, since Clement VIII. and Paul V. have issued an excommunication against those who, the rectors of the churches being unwilling, steal some small relic: otherwise, Croix probably says with Sanch., &c., if any one should steal any small thing out of the district of Rome, not deforming the relic itself



minuens illius æstimationem; nisi sit aliqua reliquia insignis aut rara, ut puta sanctæ Cruxis, capillorum B. Mariæ Virg. etc."

In *Dubium* III. he asks, "When does he sin grievously who commits many small thefts?" Observe how he aids and abets thieves.

"Resp. Hic quoque quantitas læsionis, vel damnificationis, quæ fit proximo, et quam far intendit est mensura quantitatis peccati. Vide Less. Loc cit. Sanch. 1. 7. c. 21.

"Unde resolves,

"Si quis ex occasione tantum furetur sive uni sive pluribus modicum, non intendens notabile aliquid acquirere, nec proximo graviter nocere singulis furtis non peccat graviter, neque ea simul sumpta unum mortale constituunt; postquam tamen ad quantitatem notabilem pervenerit, cum detinendo, mortaliter peccare potest. Verum et hoc mortale evitabit, si vel tunc restituere non possit, vel animum habeat paulo post restituendi saltem quæ tunc accepit."

"Quær. II. Si furtuli, quæ simul ad magnam quantitatem perveniunt, sint facta diversis dominis certis, an fur teneatur sub culpa gravi eis restitutionem facere; vel an satisfaciât, debita illa pauperibus distribuendo. Ex una parte, videtur, dicendum sub gravi restitutionem faciendam esse dominis, nisi excuset periculum famæ admittere, vel gravissimum damnum aut incommodum."

"Unde videtur, quod sufficienter fur satisfactorius sit suæ gravi obligationi ex præsumpto consensu reipublicæ, si restituat pauperibus, aut locis piis, qui sunt egentiores reipublicæ partes."

\* Hence it appears that the unprincipled maxim of "Make money, honestly if you can, at all events make money," is adopted for the support of pious places. This is

nor diminishing its estimation; unless it may be some rare or remarkable relic, as, for example, the holy cross, the hair of the Blessed Virgin, &c.!!!"

"Here also the quantity of the loss or injury which the neighbor endures, and what the thief intends, is the measure of the quantity of sin.

"Whence you will resolve,

"If any one on an occasion, should steal only a moderate sum either from one or more, not intending to acquire any notable sum, neither to injure his neighbor to a great extent by several thefts, he does not sin grievously, nor do these, taken together, constitute a mortal sin; however, after it may have amounted to a notable sum, by detaining it he can commit a mortal sin. But even this mortal sin may be avoided, if either then he be unable to restore, or have the intention of making restitution immediately of those things which he then received."

"Query II. If small thefts, which together amount to a large sum, be made from various known masters, whether a thief be bound under great blame to make restitution to them, or whether he may satisfy by distributing them to paupers? On the one hand it appears that restitution should be made to the original possessors, unless the danger of losing fame or very grievous loss or inconvenience excuse."

"Whence it appears that a thief may have rendered sufficient satisfaction to his own weighty obligation, from the presumed consent of the republic, if he make restitution to paupers, or pious places,\* which are the more needy parts of the republic."

In No. 536 he says:

"Probabilissima est hæc sententia Bus., scilicet, si plures modica furentur, neminem pecare graviter, etsi mutuo sciant grave damnum domino fieri, nisi ex communi consilio, faciant. Et hoc, etiamsi singuli eodem tempore furentur; ut cum Bus. censet Less. cap. 12. n. 24. (contra Lugo.) Ratio, quia tunc nemo est causa damni, quod, per accidens, ab aliis domino evenit."

"This opinion of Bus. is most probable, viz: If many persons steal small quantities, that no one of them commits grievous sin, although they may be mutually aware of their conduct, unless they do it by concert; and this, although each should steal at the same time. The reason is, because then no one person is the cause of injury, which, by accident, happens to the master by the others."

In *Dubium* IV. Liguori considers thefts of domestics or friends.

"Uxor potest dare eleemosynam, et munera, secundum consuetudinem aliarum mulierum illius loci, et conditionis, etiamsi maritus eleemosynas omnes illi prohibeat, quia consuetudo hoc jus ei tribuit, quo maritus eam privare non potest."

"A wife can give alms and gifts, in accordance with the custom of other women of that place and condition, although her husband may prohibit her from giving any alms, because custom hath appointed this right to her, of which her husband cannot deprive her."

Speaking of sons stealing, he says:

"Dicit Salas apud Croix 1. 3. p. 1. n. 1032, non esse grave furtum filii 20 vel 30 aureorum a patre possidente annuos 1500 aureos, et non improbat Lugo d. 16. a. n. 76. Si pater non sit tenax, et filius adoleverit, et accipiat ad usus honestos. Less. Nav. et Fill. ap. Spor. de 7. præc. c. 5. num. 57 dicunt non peccare graviter filium furantem 2 vel 3 aureos a patre divite. Bannez dicit ad furtum grave filii parentis prædivitis requiri saltem 50 aureos; sed hoc Lug. et La Croix II. cc. rejiciunt: nisi forte esset filius principis, in quo consentit Holmz. nam. 755 qui etiam dicit non esse grave accipere a parente prædivite decem aureos."

"Salas apud Croix says, that a son does not commit grievous sin, who steals 20 or 30 aurei from a father possessing nearly 1500 aurei, and Lugo does not disapprove of it. If the father be not tenacious, and the son have grown up, and receive it for honest purposes. Less, &c., say, that a son stealing two or three aurei from a rich father does not sin grievously; Bannez says, that 50 aurei are required to constitute a grievous sin on the part of a son who steals from a rich father, but this opinion Lug. and La Croix reject; unless perchance he be the son of a prince, in which case Holmz. consents, and even says that it is not a grievous sin to receive ten aurei from a rich parent."

something like a Free Church obtaining subscriptions from Slave Owners for Missionary purposes—

"To me deny not Balaam's ass at least, To mock the prophet, and reprove the priest."



# ON RESERVED CASES AND ABSOLUTION OF ACCOMPLICES.

Quid intelligitur per casus reservados?

R. Intelliguntur peccata quædam, quorum absolutionem sacramental-em superior specialiter sibi reservat.

Hæc reservatio simplex non est censura, cum non sit proprie pœna, sed simplex negatio approbationis vel jurisdictionis.—Dens, tom. 6, p. 263.

Quis potest reservare peccata?

R. Ille Superior, cui competit concedere approbationem vel jurisdictionem ad absolvendum a peccatis.

Summus Pontifex decernit casus reservados pro universa Ecclesia; Episcopus pro sua Diocesi; Superiores Regularium pro suis subditis casus reservare possunt, sed juxta limitationem Clementis VIII.—Dens, tom. 6, p. 270.

“Advertendum quod nullas Confessarius, extra mortis periculum, licet alias habeat potestatem absolvendi a reservatis, absolvere possit aut valeat a peccato quolibet mortali externo contra castitatem, complicem in eodem secum peccato.”

Hic casus complicis non collocatur inter casus reservados, quia Episcopus non reservat sibi absolutionem, sed quilibet alius Confessarius potest ab eo absolvere, præterquam sacerdos complex.—Dens, tom. 6, p. 291, 2.

\* Accordingly the seduction of females in the Confessional appears to be a very common occurrence, and does not constitute even a reserved case. But what is reservation? “It is not censure, but merely a withholding of approbation or jurisdiction.” Therefore as approbation is not withheld, any Confessor may absolve a novice, a nun, or a lay woman; a priest, a friar, or a monk, though they may all be guilty of committing fornication; for it is only “the graver and more atrocious crimes” that are reserved to the bishops, such as heresy, and the reading of the Bible and other heretical books, etc.

† In this way two priests in neighboring parishes can absolve each other's frail ones, and afterwards absolve each other.

What is understood by reserved cases?

Answer. Certain sins, the sacramental absolution of which the superior especially reserves to himself.

This simple reservation is not censure, since it is not properly a punishment, but a simple negation of approbation or jurisdiction.—Dens, v. 6, p. 263.

Who can reserve sin?

Answer. That superior for whom it is competent to grant approbation, or jurisdiction to absolve from sins.

The Supreme Pontiff determines the reserved cases for the universal Church; the Bishop in his own diocese; the Superiors of Regulars can reserve cases for their own subjects, but according to the limitations of Clement VIII.—Dens, v. 6, p. 270.

“Let it be observed that, except in case of danger of death, no Confessor, though he may otherwise have the power of absolving from reserved cases, may or can absolve his accomplice in any external mortal sin against chastity, committed by the accomplice with the Confessor himself.”

This case of an accomplice is not placed\* amongst the reserved cases, because the Bishop does not reserve the absolution to himself; but any other† Confessor can absolve from it, except the priest who is himself the partner in the act.—Dens, vol. 6, p. 291, 2.

Proinde copula cum novitia, vel cum Beggina, vel alia voto simplici castitatis obstricta, non constituit casum reservatum: neque vir religiosus aut sacerdos comprehenditur; adeo ut persona libera peccans cum Religioso sacerdote non incurrat hunc casum.—Dens, tom. 6, p. 287.

As copulation with a novice, or a nun, or any other woman bound by a simple vow of chastity, does not constitute a reserved case; neither is a religious man or a priest comprehended (in a reserved case), so, therefore, a free woman transgressing with a Religious priest does not incur this case (of reservation).—Dens, vol. 6, p. 287.

For the three following reasons it appears there never can be a reserved case against a “Religious Priest.” Because

1st. “Frequenting” a novice, a nun, or any other woman bound by a simple vow of chastity, does not constitute a reserved case.

2nd. “Transgressing” with a free woman does not constitute a reserved case.

3rd. “A Religious man or a Priest” is never comprehended in a reserved case.

The first two reasons include all women, whether free or under vows; and the third includes all Religious men or Priests. Therefore all women are subject to the will and pleasure of all Religious men or Priests. What would Jephtha's daughter and her maiden companions say to this mode of keeping a vow of celibacy? Probably the irreligious priests are in the habit of imitating the daughters of Israel upon the mountains; viz., bewailing the virginity of their self-denying companions.

An comprehenditur masculus complex in peccato venereo, v. g. per tactus.

R. Affirmative, quia Pontifex extendit ad qualemunque personam.

Non requiritur ut hoc peccatum complicis patratum sit in confessione, vel occasione confessionis: quocunque enim loco vel tempore factum est, etiam antequam esset Confessarius, facit casum complicis.

Nota ultimo, cum restrictio fiat ad peccata carnis, peterit Confessarius complicem in aliis peccatis, v. g. in furto, homicidio, etc., valide absolvere.—Dens, tom. 6, pp. 291, 2.

Is a male accomplice in venereal sin, to wit, by touches, comprehended in this degree?

Answer. Yes, because the Pope extends it to whatsoever person.

It is not required that this sin of an accomplice be committed in confession, or by occasion of confession; for in whatever place or time it has been done, even before he was her Confessor, it makes a case of an accomplice.

Lastly, take notice, that since the restriction is made to carnal sins, the Confessor will be able to give valid absolution to his accomplice in other sins, namely, in theft, in homicide,\* &c.—Dens, v. 6, pp. 291, 2.

After telling us that, in obedience to a bull of Gregory the Fifteenth, and a constitution founded thereon by Benedict the Fourteenth, any priest is to be denounced who endeavors to seduce his penitent in the Confessional, he asks the following question:

\* That is, if she should happen to poison her husband, or be guilty of any other little indiscretion.



Confessarius sollicitavit poenitentem ad turpia, non in confessione, nec occasione confessionis, sed ex alia occasione extraordinaria: An est denunciandus?

R. Negative. Aliud foret, si ex scientia confessionis sollicitaret quia, v. g. ex confessione novit illam personam deditam tali peccato venereo. —P. Antoine, t. 4, p. 430.

Propterea monet Steyartius, quod Confessarius poenitentem quæ confitetur se peccasse cum sacerdote, vel sollicitatam ab eo ad turpia, interrogare possit utrum ille sacerdos fuerit ejus Confessarius, an in confessione sollicitaverit, etc.

An denuntiatio fieri debet, quando dubium est utrum fuerit vera et sufficiens sollicitatio ad turpia?

R. Quidam negant: sed Card. Cozza cum aliis quos citat dñb. 25, affirmat si dubium non sit leve, dicens examen illud relinquendum Episcopo sive Ordinario. —Dens, tom. 6, pp. 294, 5.

### ON THE MODE OF DENOUNCING THE AFORESAID SEDUCER.

Primus modus magis conveniens est, si ipsa persona sollicitata immediate, nulli alteri revelando, accedat Episcopum sive Ordinarium. 2o. Potest Episcopo scribere epistolam clausam et signatam sub hac forma: *Ego Catharina N. habitans Mechliniae in platea N. sub signo N. hisce declaro me 6 Martii anno 1758 occasione confessionis fuisse sollicitatam ad inhonesta a Confessario N.N. eripiente confessionis Mech-*

A Confessor has seduced his penitent to the commission of carnal sin, not in confession, nor by occasion of confession, but from some other extraordinary occasion: Is he to be denounced?

Answer. No. If he had tampered with her from his knowledge of confession, it would be a different thing; because, for instance, he knows that person, from her confession, to be given to such carnal sins. —P. Antoine, t. 4, p. 430.

For which reason Steyart reminds us, that a Confessor can ask a penitent who confesses that she has sinned with a priest, or has been seduced by him to the commission of carnal sin, whether that priest was her Confessor, or had seduced her in the confessional, &c.

Ought the denunciation to be made, when there exists a doubt whether the sollicitation to carnal sin was real and sufficient?

Answer. Some say no; but Card. Cozza, with others whom he cites, doubt 25, says. Yes, if the doubt be not light,\* adding, that the examination of the matter is to be left to the Bishop or the Ordinary. —Dens, v. 6, pp. 294, 5.

The first and most convenient mode is this—if the person upon whose chastity the attempt has been made would proceed herself immediately to the Bishop, or the Ordinary, without revealing the circumstances to any one else. 2d. She can write a letter, closed and sealed to the Bishop, in the following form: *I, Catharine N., dwelling at Mechlin, in the street N., under the sign N., by these declare that I, on the*

\* Should the Bishop think that it was only a joke, or that the "sollicitation" was insubstantial, the matter is then hushed up, to save the character of the Confessor.

*liniae in Ecclesia N., quod juramento confirmare parata sum.*

3o. Si autem scribere nequeat, similis epistola scribatur ab alio, v. g. a secundo Confessario cum licentia poenitentis, et nomen poenitentis seu personæ sollicitatæ exprimatur ut supra: sed nomen Confessarii sollicitantis, ut occultum maneat scribenti, non exprimatur, verum a tertio aliquo rei ignaro, in chartula aliqua nomen ejus scribatur sub alio prætextu, quæ chartula epistolæ præfatæ includatur.

In hoc casu (denunciationis) tamen quidam putant moderandum, et considerandas esse circumstantias frequentiæ, periculi, etc.—Dens, tom. 6, p. 295.

Hence it appears, that if this "amiable weakness" is not very frequently exhibited, the affair is to be passed over, if possible; or, at all events, the Bishop is to make the best fight he can with the seduced penitent, to screen the priest and hush up the matter. We shall soon see how often a Confessor may *deliberately sin* with penitents in the confessional.

Monentur Confessarii ut mulierculis quibuscunque accusantibus priorem Confessarium fidem leviter non adhibeant; sed prius scrutentur occasionis finem et causam, examinet earum mores, conversationem, etc.—Dens, tom. 6, p. 295.

Non temere fidem poenitentibus adhibendam circa similes delationes; et Confessarium, juniorem præsertim, in tam arduo negotio nihil, nisi ex prudentiorum Sacerdotum consilio, agere debere.—De la Hogue de Pœn., p. 302.

\* See how exactly Dens and De la Hogue agree upon this critical affair. Their opinions are given almost *verbatim et literatim*.

0th of March, 1758 on the occasion of confession, have been seduced to improper acts by the Confessor N. N., hearing confessions at Mechlin, in the church N., which I am ready to conform on oath.

3rd. But if she cannot write, let a similar letter be written by another, namely, by a second Confessor, with the license of the penitent, and let the name of the penitent or person seduced be expressed as above: but let the name of the seducing Confessor, in order that it may remain a secret to the writer, be not expressed, but let his name be written, under a different pretext, by some third person ignorant of the circumstance, on some scrap of paper, which may be enclosed in the aforesaid letter.

In this case (of denouncing,) however, some are of the opinion that *moderation* must be observed, and that the circumstances of frequency, of *danger*, &c., must be considered.—Dens, v. 6, p. 295.

Confessors are advised *not lightly to give credit to any woman whatever* accusing their former Confessor; but first to search diligently into the end and cause of the occasion, to examine their morals conversation, &c.—Dens, v. 6, p. 295.

Credit should not be readily given to penitents when they make such accusations as these; and the Confessor, particularly if he be a young man, ought to do nothing in so arduous an affair without the advice of the more prudent priests.—De la Hogue de Pœn., p. 302.



Quocirca observa, quod quæcumque persona, quæ perse vel per aliam falso denuntiat sacerdotem tanquam sollicitatorem, incurrat casum reservatam Summo Pontifici. Ita Benedictus XIV. Constit. *Sacramentum Penitent.* apud Antoine, p. 418.

Benedictus XIV. in Constit. citata numero 216, reservavit sibi et successoribus peccatum falsæ, denunciationis Confessarii sollicitantis ad turpia.—Dens, tom. 6, pp. 295. 6, 7.

For which reason observe, that whatever person, either by herself or by another, falsely denounces a priest as a seducer, incurs a case reserved for the supreme Pontiff. Thus, Benedict the Fourteenth, in the Constitution called "*Sacramentum Penitentiae*" in Antoine, p. 418.

Benedict the Fourteenth, in the Constitution cited in No. 216, reserves to himself and his successors the sin of falsely denouncing a Confessor for seducing his penitent to commit carnal sin.—Dens, vol. 6, pp. 295, 6, 7.

### ON THE PROXIMATE OCCASION OF SIN.

Quid est occasio proxima peccandi de qua loquitur Pastorale?

R. Est id, *Quod natum est inducere in peccatum mortale.*

Recte etiam definitur:

*Id quod affert, morale vel probabile periculum peccati mortalis.*

Adhæremus illis qui docent sequentia:

Frequentatio tabernarum est occasio proxima respectu illius, qui ex tribus vicibus semel, vel ex decem vicibus bis vel ter solet inde induci in ebrietatem, in rixas, vel in alia peccata mortalia.

Similiter alloquium puellæ est occasio proxima illi qui ex decem vicibus bis vel ter solet cadere in peccatum carnis, vel in delectationem carnis deliberatam.

Frequentatio quotidiana tabernæ aut puellæ censetur esse occasio proxima respectu ejus, qui ex ea vel bis vel ter in mense prolabitur in simile peccatum mortale.

Idem resolvit P. Du Jardin, p. 51,

What is the proximate occasion of sin, concerning which the Pastoral speaks?

Answer. It is that which is naturally calculated to lead into mortal sin.

It is also well defined:

That which brings with it a moral or probable danger of mortal sin.

We adhere to those who teach as follows:

Frequenting of taverns is a proximate occasion (of sin) with respect to him who is wont, out of every three times to fall once; or, out of every ten times, to fall twice or thrice into drunkenness, into quarrels, or into other mortal sins.

In like manner, speaking to a girl is a proximate occasion (of sin) to him who, out of every ten times, is wont to fall twice or thrice into carnal sin, or into deliberate carnal delight.

Daily frequenting a tavern, or a girl is considered a proximate occasion (of sin) in respect to him who, on that account falls twice or thrice a month into like mortal sin.

P. Du Jardin is of the same opinion, p. 51, respecting the daily ad-

cujus officii licet honesti: v. g. Medici, Confessarii, Causidici, Mercatoris, si inde quis bis terve per mensem deliberate cadere soleat et p. 53, concludit Confessarium obligari ad deserendum illud ministerium.

Obj. Confessarius ille quotidie occupatus in ministerio audiendi confessiones, rarissime cadit comparative ad vices quibus non cadit; ergo ministerium audiendi confessiones respectu illius non est occasio proxima.

R. Nego cons. quia ille, licet non comparative, absolute tamen frequenter cadit; qui enim per singulos menses committeret duo vel tria injusta homicidia, diceretur absolute frequenter committere homicidium; ille Confessarius toties occidit animam suam.—Dens, tom. 6, p. 175.

### A CONFESSING PRIEST.

"It is said that there is among the creeping things of this earth a certain noxious and destructive animal called Anaconda. It is recorded of this animal, foul, filthy, and ugly as he is, that when he is hungry and seizes upon an object which he desires to destroy and subsequently devour, he takes it with him to his den or place of retreat. There at his ease, unseen and alone with his prey, he is said to cover it with slime, and then and there swallow it. I now declare most solemnly and seriously, that after twenty-five years in full communion with the Roman Catholic Church, and officiating as a Romish priest, hearing confessions and confessing myself, I know not another reptile in all animal nature so filthy so much to be shunned, and loathed, and dreaded by females, both married and single, as a Roman Catholic priest or bishop who practices the degrading and demoralizing office of auricular confession."—Hogan.

"A Romish priest is a victim of social and moral contradiction:—born of a woman, yet not a son; a most complaisant wooer, yet insensible to love; having children but not a father; a proprietor of houses, but without a home; the most degraded of subjects, and the most exalted of potentates; pure as an angel, yet more corrupt than a Sodomite; the usurper of the throne of God, and the slave of the most debasing sensuality; at once the most austere devotee to the gods of his own creation, and the most arrogant blasphemer of God his Maker—a deity-creating, god-devouring assassin. He is a moral Skunk, whose offensive properties and destructive habits make the creature at once an object of dread, loathsomeness, and aversion. He is an embodiment of brute and demon combined in one character, the Cobra that defiles and destroys. He is an unscrupulous mesmerist, exposing the nakedness and perverting the faculties of those who put themselves under his influence. He is a most venomous nondescript, and agent of Satan, for transforming men and women into useless or malignant beings."—*Doctrines of Christianity and Dogmas of Romanism.* Price fourpence, 3, Craven St. Strand, London, W.

ministration of any office, however honest; for instance, of a physician, a confessor, a lawyer, a merchant, if any should, on that account, be accustomed to fall deliberately two or three times a month; and page 53, he concludes, that the Confessor is bound to abandon that ministry.

Obj. That Confessor every day occupied in the ministry of hearing confessions falls very seldom in comparison with the times he does not fall; therefore, the ministry of hearing confessions is not with respect to him a proximate occasion (of sin).

Answer. I deny the consequence, because he, though not comparatively, does, however, absolutely fall frequently; for he who would commit two or three unjust homicides every month should be said absolutely to commit homicide frequently; so often does that Confessor slay his own soul.—Dens, v. 6, p. 175.



## ON JUST CAUSES FOR PERMITTING MOTIONS OF SENSUALITY.

Hujusmodi justæ causæ sunt auditio confessionum, lectio casuum conscientiæ pro Confessario, servitium necessarium vel utile præstitum infirmo.

Justo causa facere potest ut opus aliquod, ex quo motus oriuntur, non tantum licite inchoetur sed etiam licite continuetur: et ita Confessarius ex audicione confessionis eos percipiens, non ideo ab audicione abstinere debet, sed justam habet perseverandi rationem, modo tamen ipsi motus illi semper displiceant, nec inde oriatur proximum periculum consensus.—Dens, tom. 1, pp. 299, 300.

Thus it appears to be a matter of course, that hearing confessions is a *just cause* for entertaining sensual motions. Dens explains "sensual motions" to be, "sharp tingling sensations of sensual delight shooting through the body, and exciting to corporeal pleasures." Now, if a lady appears modest, the Confessor is instructed that "that modesty must be overcome, or else he is authorized to deny her absolution." "Pudorem illum superandum esse, et nolenti denegandam esse absolutionem."—De la Hogue de pæn., p. 68.

Attendance upon *invalids*!! is also a just cause for sensual motions. After reading this, who would marry a frequenter of the confessional? Only think of allowing a wife or daughter to go alone to confession to such beastly sensualists, or of permitting such hideous monsters to enter their sick chamber, especially when they are recovering!

Circa quæ specialiter examinari possunt adolescentes ætatis circiter viginti annorum, satis vegeti et mundaui, vel potui dediti?

R. Circa peccata luxuriæ, primo per generales interrogationes et a longinquo: v. g. an pœnitens frequentet personas alterius sexus? Si concedat: an sint dicta quædam verba inhonestæ? Quid secutum? &c. Si neget, potest inquiri: An aliquando vexetur inhonestis cogitationibus vel somniis? Si affirmet,

Just causes of this sort are, the hearing of confessions, the reading of cases of conscience drawn up for a Confessor, necessary or useful attendance on an invalid.

The effect of a just cause is such, that anything from which motions arise may be not only lawfully begun, but also lawfully continued: and so the Confessor receiving those motions from the hearing of confessions, ought not on that account to abstain from hearing them, but has a just cause for persevering, providing, however, that they always displease him, and there arise not therefrom the proximate danger of consent.—Dens, v. 1, pp. 299, 300.

About what can young men be specially examined at the age of about twenty years, sufficiently vigorous and like men of the world, or given to drink?

Answer. About the sins of luxury, first by general questions and from afar: for example, whether the penitent frequents persons of the other sex? If he allows that he does, whether any improper words were said? What followed, &c. If he answer in the negative, it can be asked, whether he is at any time

ad interrogationes anteriores progredi oportet.

Eadem prudentiæ forma observabitur circa adolescentulum vel mulierem vane comptam.—Dens, tom. 6, p. 125.

In speaking of interrogating young men and women, Bailly uses almost the same words, viz.:

Prudens Confessarius quantum poterit pœnitentium fiduciam ore benigno adaugeat, a generalioribus ad specialiora, a minus turpibus ad turpiora procedat, nec exordium ducat a factis externis sed a cogitationibus? An pœnitens inhonestas cogitationes non volveret animo inadvertenter? Quale fuit istud desiderium? An motus illicitos non fuit expertus?

Si puella sit, interroganda erit an ornaverit se ut placeret hominibus? An in hunc finem fuco usa fuerit? An brachia, an humeros, an pectus denudaverit? An templa frequentaverit ut in limine vel fenestra sese ostenderet ut conspiceretur? An cum aliis quid turpe dixerit, aut legerit, aut cantaverit? An non cuipiam teneriori amore adherent? An nihil ei circa se permisit? An oscula passa non sit? Quod si uliorioribus interrogationibus detur locus, ministerium suum implebit Confessarius, sed prudenter admodum et circumspecte.—Bailly, tom. 7, p. 366.

An quispiam voto castitatis obstrictus facit contra suum votum, si aliis personis liberis sit casu libidinis: v. g. si consulat aliis ut illi inter se fornicentur?

R. Peccat peccato scandalii, et

tormented with improper thoughts or dreams? If he says YES, it is fit to proceed to further questions.

The same form of prudence shall be observed about a young girl, or a woman vainly decked.—Dens, v. 6, p. 125.

The prudent Confessor will endeavor, as much as possible, to induce his confidence by kind words, and then proceed from *general* to *particular* questions—from *less shameful* to *more shameful things*; not beginning from external acts, but from thoughts, such as, Has not the penitent been troubled, inadvertently as it were, with improper cogitations? Of what kind was the thought indulged? Did he experience any unlawful sensations?

If the penitent be a girl, let her be asked—Has she ornamented herself in dress so as to please the male sex? or, for the same end, has she painted herself; or bared her arms, her shoulders, or her bosom? Whether she has frequented church in order that she might show herself to be looked at in the porch, or at the window? Whether in company with others she had spoken, read, or sung anything immodest? Whether she is not attached to some one? Whether she has not allowed him to take liberties with her? Whether she has not allowed him to kiss her? But if opportunity shall offer for carrying the inquiry further, the Confessor will do his duty, but however, prudently and cautiously.—Bailly, vol. 7, p. 366.

Does any one bound by a vow of chastity act against his vow if he be the cause of lechery to others who are free from such vow; for instance, if he advise others to commit fornication with one another?

Answer.—He is guilty of the sin



fit reus fornicationis illorum; verumtamen non videtur violare votum proprium mere ob fornicationem aliorum, si absit complacentia propria, quia non vovit servare castitatem alienam sed propriam, sicuti conjugatus id consulens non peccat contra fidem matrimonii sui.

*Obj.* Vovens castitatem vovet non cooperari aut consentire ulli peccato contra castitatem.

*R.* Id negatur.—Dens, tom. 4, p. 377.

An Confessarius potest absolvere sponsam, dum cognoscit ex sola confessione sponsi, quod sponsa in confessione reticeat fornicationem habitam cum sponso?

*R.* Varias reperio opiniones: La Croix, lib. 9, p. n. 1969, existimat sponsam non esse absolvendam, sed dissimulanter dicendum: *Misereatur tui*, &c., ita ut ipsa ignoret sibi absolutionem negari.

Prudentes Confessarii solent et statuunt regulariter inquirere ab omnibus sponsis, utrum occasione futuri matrimonii occurrerint cogitationes quaedam inhonestae? Utrum permiserint oscula et alias majores libertates ad invicem ex eo, quod forte putaverint jam sibi plura licere?

Cum verecundia soleat magis corripere sponsam, propterea solemus prius in confessione audire sponsum, at sponsa postea confidentius exponat quod novit jam esse notum Confessario.

of scandal, and stands arraigned of their fornication; however, he does not seem to violate his own vow merely on account of the fornication of others, if he feel no complacency himself, because he has made no vow to preserve the chastity of others, but his own, just as a married man advising it does not sin against the faith of his matrimony!!!

*Obj.* He that makes a vow of chastity, vows not to co-operate with or consent to any sin against chastity.

*Answer.* That is denied.—Dens, vol. 4, p. 377.

Can a Confessor absolve a young woman betrothed in marriage, whilst he knows, solely from the confession of the betrothed husband, that she does not disclose in her confession the fornication she has been guilty of with her betrothed?

*Answer.* I find various opinions; La Croix thinks that she ought not to be absolved, but that the Confessor should dissemble\* and say *Misereatur tui*, &c., so that she may not know that absolution has been denied her.

Prudent Confessors are wont, and lay it down as a rule, regularly to ask all betrothed young women, whether from occasion of their approaching marriage there occurred to them any improper thoughts? whether they permitted kisses and other greater alternate liberties, because perhaps they thought that greater freedoms were now allowed them?

And since the young woman is more under the influence of modesty, we are wont for that reason to hear the betrothed husband's confession first, that she may afterwards more confidently reveal to the Confessor what she knows to be known to him already.

Addunt aliqui sponsum, qui prius confitetur, posse induci, ut dicat sponsæ se peccatum illud aperte esse confessum. Post confessionem sponsæ id non licet amplius. Dens, tom. 6, pp. 239, 240.

Some divines add, that the betrothed husband, who makes his confession first, can be induced to tell her that he has openly confessed that sin. After the young woman's confession, that would be no longer in the Confessor's power.—Dens, v. 6, pp. 239, 240.

We can assure our readers that the following extracts are from the MORAL THEOLOGY!!! of the celebrated Peter Dens.

Quid est morosa delectatio?

*R.* Est voluntaria complacentia circa objectum illicitum abseque voluntate implendi seu exequendi opus.—Dens, tom. 1, p. 303.

An licita est delectatio morosa de opere jure naturæ prohibito, sed sine culpa formali hic et nunc posito, v. g. delectatio de pollutione nocturna involuntaria?

*R.* Neg. quia objectum delectationis est intrinsecus malum, adeoque deliberata delectatio de ea est mala.

Multi tamen, ut Salmanticenses, Vasquez Billuart, Antoine, &c., putant quod licet illicitum sit delectari de homicidio, ebrietate, &c., involuntarie commissis, illicitum tamen non sit ob finem bonum, de pollutione mere naturali et involuntaria delectari: vel affectu simplici et inefficaci eam desiderare.

Hujus sententiæ etiam est S. Antonius, parte 2, tit. 6, cap. 5.

Dictur "affectu simplici et inefficaci;" quia si desideretur efficaciter, ita ut ex desiderio pollutio causetur, vel media ut eveniat adhibeantur, certum est juxta omnes quod sit peccatum mortale. Ratio horum Auctorum est, quod pollutio mere naturalis et involuntaria nullo jure prohibeatur: cum sit effectus mere naturalis, seu mera naturæ evacuatio, ut sudor, saliva, &c., ac

What is morose delight?

*Answer.* It is a voluntary complacency about an illicit object without a wish of performing or executing the work.—Dens, vol. 1, p. 303.

Is morose delight allowed on a thing prohibited by the law of nature, but here and now having taken place without a formal fault; for instance, delight on nocturnal involuntary pollution?

*Answer.* No; because the object of the delight is intrinsically bad; and therefore deliberate delight respecting it is also bad.

Although many think that it is unlawful to delight on homicide, drunkenness, &c., involuntarily committed; it is not unlawful, however, on account of the good end, to delight on merely natural and involuntary pollution, or to desire it with a simple and inefficacious affection.\*

Of this opinion also is Saint Antony, part 2, tit. 6, chap. 5.

They say, "with a simple and inefficacious affection;" because, if it be desired efficaciously, so as that the pollution be caused by the desire, or if means be employed that it may happen, it is certain, according to all that it is a mortal sin. The reason of these Authors is that pollution merely natural and involuntary is prohibited by no law; since it is a merely natural effect, or

\* Even when the priest acts in the capacity of God he may practise deception.

\* What a pure Saint!—what does he consider is the "good end" to be gained?



proinde nequidem materialiter seu objective mala unde illam ut talem inefficaciter velle non est peccatum.—Dens, tom. 1, pp. 310, 11.

a mere evacuation of nature, like sweat, saliva, &c.; and therefore it is by no means materially or objectively bad; whence it is not a sin to wish for it inefficaciously as such.—Dens, v. 1, pp. 310, 11.

## ON REFUSING OR DENYING MARRIAGE DUTY.

In omni peccato carnali circumstantia conjugii sit exprimenda in confessione.

An aliquando interrogandi sunt conjugati in confessione circa negationem debiti?

R. Affirmative: presertim mulieres, quae ex ignorantia vel prae pudore peccatum istud quandoque reticent: verum non abrupto, sed prudenter est interrogatio instituenda: v. g. an cum marito rixatae sint, quae hujusmodi rixarum causa; num propter talem occasionem maritis debitum negarint; quod si deliquisse fateantur, caste interrogari debent, an nihil secutum fuerit continentiae conjugali contrarium, v. g. pollutio, &c.—Dens, tom. 7, p. 149.

Hinc uxor se accusans in confessione quod negaverit debitum interrogetur, an maritus ex pleno rigore juris suum petiverit: idque colligetur ex eo, quod petiverit instant, quod graviter fuerit offensus, quod aversionis vel alia mala sint secuta, de quibus etiam se accusare debet, quia

In every carnal sin let the circumstance of marriage be expressed in confession.

Are the married to be at any time asked in confession about denying the marriage duty?

Answer. Yes: particularly the WOMEN, who, through ignorance or modesty, are sometimes silent on that sin: but the question is not to be put abruptly, but to be framed prudently: for instance, whether they have quarreled with their husbands—what was the cause of these quarrels—whether they did upon such occasion deny their husbands the marriage duty; but if they acknowledge they have transgressed, they ought to be asked chastely whether anything followed contrary to conjugal continence, namely POLLUTION,\* &c.—Dens, v. 7, p. 149.

Hence let the wife, accusing herself in confession of having denied the marriage duty, be asked whether the husband demanded it with the full rigour of his right; and that shall be inferred from his having demanded it instantly, from his having been grievously offended, or

\* The following is a tolerably minute description, considering that the author was sworn to celibacy from early youth:—

Notatur, quod pollutio in mulieribus quandoque possit perfici, ita ut semen earum non effluat extra membrum genitale; indicium istius allegat Billuart, si scilicet sentiat seminis resolutionem cum magno voluptatis sensu, qua completa passio satiatur.—Dens, tom. 4, p. 380.

It is remarked that women may be sometimes guilty of imperfect pollution, even without a flow of their semen to the outside of their genital member (the passage) of which Billuart alleges a proof:—If, for instance, the woman feels a loosening of the semen, with a great sense of pleasure, which being completed, her passion is satiated.—Dens, v. 4, p. 380.

fuit eorum causa: contra si confiteatur rixas vel aversiones adversus maritum interrogari potest; an debitum negaverit?—Dens, tom. 7, p. 150.

from aversion or any other evils having followed, of which she ought also to accuse herself, because she was the cause of them. On the other hand, if she confess that there exist quarrels and aversions between her and her husband, she can be asked whether she has denied the marriage duty.—Dens, v. 7, p. 150.

Thus, if a married woman confesses, that in sulk, or whim, or for any other reason, she has not rendered due benevolence, she is compelled to give the Confessor a full, true, and particular account of the way in which her husband insisted upon his right, viz., whether in anger and with threats, or with entreaties and coaxing endearments. In this manner the Confessor not only ferrets out the most secret acts of the married, but also ascertains, whenever he chooses, what is the peculiar mettle of the husband and disposition of the wife.

The following passages from the "Moral Theology" of Bailly, the reader will perceive, are almost word for word the same as those selected from Dens on the same subject:—

An teneantur conjuges reddere debitum?

R. Eos teneri sub peccato mortali; quia res est per se gravis; cum inde nascentur rixae, odia, dissensiones. Dum vel expresse vel tacite exigitur, dum petitur verbis vel signis (inquit S. Thomas).—Bailly, tom. 4, p. 483.

Dixi autem Io. utrumque conjugem teneri; in eo enim pares sunt ambo conjuges, ut patet ex verbis Apostoli.

Dixi 2o. eos teneri sub peccato mortali quia res est per se gravis, cum inde nascentur rixae, odia dissensiones parsque debito fraudata incontinentiae periculo exponatur: quod lethale est. Hinc Parochus aut per se in Tribunali Pœnitentiae aut saltem, et quidem aliquando prudentius, pioe matris ministerio, edocere debet sponso et praesertim sponsas, quid in hac parte observandum sit. Cum vero mulieres ejusmodi peccata in confessione sacramentali, prae pudore aut ignorantia non raro reticeant, expedit aliquando

Are married persons bound to render the marriage debt?

Answer. They are bound under pain of mortal sin, because the matter is of itself important, since from thence arise quarrels, hatreds, dissensions. It must be rendered when it is required expressly or tacitly, when sought after by means of words or signs (saith St. Thomas).

But I have said that each is bound; for in this affair both man and wife are equal, as is clear from the words of the apostle.

I have said in the second place, that they are bound under mortal sin, because it is a weighty affair in itself, since it is the active cause of quarrels, hates, dissensions, and since the party defrauded of duty is exposed to the danger of incontinence, which is a deadly sin; hence the Parish Priest, either himself personally in the Tribunal of Penance (the Confessional), or at least, and sometimes more prudently, by the agency of a pious matron, ought to inform married persons, and particularly married



de iis illas interrogare, sed caute et prudenter, non ex abrupto: v. g. inquiri potest an disidia fuerint inter eam et conjugem, quae eorum causae, qui effectus, an propterea marito denegaverit quod ex conjugii legibus ei debetur.—Bailly, Tract. de matrimo., p. 482.

women, of what they should observe with respect to this matter. But since women, through modesty or ignorance, not unfrequently conceal sins of that sort in sacramental confession, it is expedient sometimes to interrogate them concerning those sins, but cautiously, prudently, not abruptly: for instance, it may be asked whether there have been any dissensions between her and her husband—what was the cause—and what the effect of them—whether she has on that account denied to her husband what is due to him by the laws of marriage?—Bailly, vol. 4, p. 482.

He then gives thirteen reasons for excusing the parties from paying the marriage debt. We shall quote only two or three of them, viz:

Si exigens remisse petat.

If the party demanding asks it carelessly!!

Si petens sit in ebrietate vel amentia.—Bailly, tom. 4, p. 485.

If the party demanding be drunk or mad.—Bailly, vol. 4, p. 485.

Si conjux unus, saepius ac immoderate petat!!!

If one party demands too often and immoderately.

Debitum nec reddi potest nec peti in loco publico, nec coram liberis, aut domesticis; nec eo modo, qui sit contra naturam.—Bailly, tom. 4, p. 486.

The debt can neither be paid nor demanded in a public place, nor before children or domestics!!! nor in that manner which is contrary to nature.—Bailly, vol. 4, p. 486. Dublin edition.

He goes on to ask as to “When wives are excused from rendering payment of the aforesaid debt?” viz:

An frequentes abortus a readitione debiti mulierem eximant?

Do frequent abortions exempt the woman from rendering the debt?

An temporibus menstrui fluxus, puerperii et gravitatis debitum licite peti aut saltem reddi protest?”—p. 487.

Can the debt be lawfully demanded, or at least rendered, at the time of the monthly terms, childbirth, or pregnancy?

An justa sit debitum denegandi causa, quod proles a muliere ablactatur?—Bailly, tom. 4, pp. 486, 7, 9. Dublin edition.

Is it a just cause for refusing the debt because the woman is suckling the offspring?—Bailly, vol. 4, pp. 486, 7, 9. Dublin edition.

He next proceeds with a few Miscellaneous Estimates, such as:—

An licitum sit conjugibus matrimonio utentibus optare non inde oriri prolem?

Is it lawful for married persons using matrimony to wish that thence offspring should not be born?

An liceat matrimonii usum petere propter vitandam compartis incontinentiam?

Is it permitted to demand the use of matrimony, for the purpose of avoiding incontinence in the partner?

An licitum sit matrimonio uti propter voluptatem?—Bailly, tom. 4, p. 481.

Is it lawful to use matrimony solely for pleasure?—Bailly, vol. 4, p. 481. Dublin edition.

Per accidens ejus modi intemperantia potest esse lethalis:—1. Si immoderata sit, ac noceat valetudini sive exigentis debitum sive reddentis. 2. Si conjux a aliam, non conjugem intendit, ut expresse docet S. Thomas, in 4 dist. 31, quest. 2. art. 3. 3. Si ita frequens sit, ut impediatur tempora, quae debentur orationi, ut apertis verbis tradit Augustinus.—Bailly, tom. 4, p. 482.

By accident intemperance of this kind may be a deadly sin:—1. If it be immoderate and injures the health of either party. 2. If the married party intends another and not their own partner!!! as St. Thomas expressly teaches. 3. If it be so frequent as to interrupt the time due to prayer,\* as St. Augustine openly maintains.—Bailly, v. 4, p. 482. Dublin edition.

Si constet alterum conjugem esse adulterum potest pars innocens parti adulterae debitum denegare?—Non potest conjux conjugi adultero debitum denegare, si ejusdem criminis ille reus sit—quia tunc est compensatio; quinimo nec idem potest pars innocens, si injuriam condonaverit; e. g. debitum sponte reddendo vel alia amoris conjugalis signa exhibendo.—Bailly, tom. 4, p. 485.

If it be manifest that one of the married parties be guilty of adultery, can the innocent refuse the debt to the guilty party? A married party cannot refuse the debt to the one guilty of adultery, if that party be guilty of the same crime—because then there is compensation; neither, moreover, can the innocent party do the same (viz., refuse) if the injury has been pardoned—as, for example, by spontaneously rendering the debt, or by exhibiting other signs of conjugal love.—Bailly, vol. 4, p. 485.

Liguori enters more fully into this subject, and apparently with great familiarity. We shall now give a few extracts from his works, viz:

Hic quaeritur I. An aliquando vir teneatur petere. Per se loquendo, non tenetur petere: tenetur vero per accidens, nimirum si uxor tacite exigat; puta si ostendat aliquod indicium, quo tacitam petitionem significet; quia in mulieribus ob innatam etiam verecundiam talia signa habentur pro vera petitione. Ita communiter Sanch. lib. 9. d. 2. n. 3. et alii universe ex divo Thoma Suppl. 3. q. 64. art. 2. ubi: Quando

Here it is asked, 1st, Is the husband sometimes bound to demand the debt? Speaking of itself, he is not bound to demand; but he is by accident bound, namely, if the wife should tacitly require it, for instance, if she shows some token, by which she signifies a tacit demand; because in the case of women, on account of their innate modesty, such signs are held in the place of real demand. Thus commonly

\* The two last peculiarities must have been confined to the age and clime in which each of these saints flourished. In this country, at all events, these interruptions of the Augustine age are rather unusual.



vir percipit per aliqua signa, quod uxor vellet sibi debitum reddi, sed propter verecundiam tacet, tenetur reddere. Et converso, recte dicit Sanchez in 5. cum Soto et Palao, ex eodem D. Thom. in 4. d. 32. q. unic. art. 3. ad 2. non teneri mulierem reddere viro, nisi hic expresse petat: cum enim non pudeat viros expresse exigere, bene possunt uxores presumere quod viri expresse non petentes nolint ipsas obligare ad petendum; imo ego sentio, nec posse, quia nequit maritus obstringere mulierem, ut cum tanta sui erubescencia debitum petat. Recte tamen excipit Sanchez. l. c. cum S. Antonin. Nav. Sylv. et Manuel, nisi talis erubescencia potius presumatur aliquando (quod ceterum raro accidit) esse ex parte viri, quam femine; puta si illa esset maximæ auctoritatis, aut feræ conditionis, et vir valde pusillanimus ac verecundus. Regulariter tamen, bene subdit Sanchez, non tenetur uxor reddere, nisi evidenter ei constet de hac pusillanimitate et pudore mariti.—Liguori, tom. 6, n. 928.

Quærit. II. An uxor teneatur aliquando petere debitum. Certum est primo, ordinario non teneri uxorem ad petendum, qui hoc est mulieribus notabiliter inverecundum. Certum secundo, quod, cum alter conjux est in periculo incontinentiæ, tam vir quam uxor teneatur petere ad liberandum alterum a periculo. Ita communiter Pontius 1. 10. c. 2. num. 3. Sanchez. 1. 9. d. 2. n. 9. cum Soto, Adr. etc. ac Boss. c. 1. n. 17. cum Filliuc. Henr. etc. Sed dubium fit, an teneatur uxor tunc

Sanchez, &c., universally hold from St. Thomas, where he says, "When the husband perceives from any signs that the wife wishes the debt to be paid, but on account of her modesty is silent, he is bound to pay the debt." On the contrary, Sanchez, &c., rightly say, according to the same St. Thomas, that the wife is not bound to pay the debt to the husband unless he expressly demands it, for since the husbands are not ashamed expressly to demand, wives may well presume that husbands not expressly demanding are unwilling to oblige the wives to demand; nay, I am of opinion that they are not able, inasmuch as the husband cannot bind the wife to demand it, with all her blushing modesty. It is, however, rightly excepted by Sanchez, and others, unless such bashfulness (but which seldom happens) should be presumed to be on the part of the man, rather than that of the woman, as for instance, if she happens to possess greater authority (that is, *wear the breeches*) or be of a fierce disposition, and the husband should happen to be very pusillanimous and bashful. But Sanchez very properly suggests, that, as a general rule, the wife is not bound to pay the debt, unless this pusillanimity and shame on the part of the husband are very evident to her.—Lig. vol. 6, n. 919.

It is asked, 2d, whether the wife is sometimes bound to demand the debt. It is certain, in the first place, that the wife is not *ordinarily* bound to demand the debt, because this is notoriously immodest on the part of women. It is certain, in the second place, that when either husband or wife is in danger of incontinence, they are both equally bound to demand the debt, in order to free the other from the danger. Thus commonly Pontius, &c., think. But it becomes a doubt whether the wife

petere ex caritate, vel ex justitia. Prima sententia, quam tenent Pont. 1. c. et Boss. n. 21. cum Led. Henr. Diana et P. Soto dicit teneri ex justitia. Ratio, quia cum teneantur conjuges servare bonum fidei, quando alter est in periculo incontinentiæ, tunc esto non petat alter, ipsa tamen necessitas petit, ut bonum fidei servitur vitando alterius incontinentiam; ideoque tunc potius est redditio, quam petitio debiti. Confirmatur exemplo: si enim medicus teneatur ex contractu moderi ægroto, tenetur ex justitia exhibere ei medicinam, quamvis ille non petat. Secunda vero sententia, quæ videtur probabilior: et quam tenent Sanchez dict. d. 2. num. 7. cum Pal. et Durando, ac Con. apud Boss. n. 22, dicit teneri tantum ex caritate. Ratio, quia, ubi nulla est petitio alterius conjugis expressa vel tacita, nulla adest obligatio justitiæ ad reddendum. Ad bonum autem fidei matrimonii spectat quidem, ut conjux non adulteretur, non vero ut avertat alterum ab adulterio; licet enim hoc etiam quodammodo pertineat ad bonum fidei, non tamen ita pertinet, ut stricte obliget ex justitia ad petendum: ideo a D. Thoma hujusmodi petitio non dicitur absolute redditio, sed quædam redditio debiti; et hoc adducit S. Doctor tantum ad excusandum petentem, si petat ad vitandam incontinentiam in altero, non vero ad obligandum ut petat. Nec obstat exemplum medici; medicus enim tenetur utique præbere medicinam infirmo non petenti, quia, ex contractu se obligavit ad eum curandum: conjux autem se obligavit ad non frangendam fidem, non vero ad impediendum alterum quominus fidem frangat. Ex hac sententia infertur quod conjux, cum non teneatur ex justitia, sed tantum ex caritate eo casu ad petendum, non teneatur petere cum magno incommodo;

be in that case bound to demand it from charity or from a sense of justice. *The first opinion*, which is held by Pontius, &c., declares they are bound so to do from a sense of justice. The reason is, because married parties are bound to observe good faith when one is in danger of incontinence; in that case, although the other does not demand, still necessity itself requires that good faith should be observed in avoiding the incontinence of the other, and therefore in that case it is a *rendering* rather than a *demanding* of the debt. This is confirmed by example—for if a physician is bound by contract to heal the sick, he is bound in justice to offer him medicine although the patient may not demand it. But the *second opinion*, which seems *more probable*, and which is maintained by Sanchez, &c., affirms that they are bound only by charity. The reason is, that when there is no petition, express or tacit, on the part of either, there is no obligation of justice to pay the debt. But it belongs indeed to the good faith of matrimony, that the husband should not commit adultery, but *not that he should avert the other from adultery*; for although this also may in some measure pertain to good faith, it does not, however, so far pertain that it should strictly oblige from a sense of justice to demand; and on that account a demand of this kind is not said by St. Thomas to be absolutely a *rendering* but only a *certain rendering* of the debt; and this is adduced by the holy Doctor only to excuse the party demanding, if he demands it in order to avoid incontinence in the other, but not to oblige him to demand it. Nor does the instance of the physician militate against this, for the physician is bound, as it were, to supply medicine to the sick man, although not demanding it, because according to



hinc probabiliter tunc excusatur uxor a petendo, si in hoc magnam verecundion subire deberet.—Lig. tom. 6, n. 929.

“Quærit. III. An conjux prohibitus a petendo ratione voti, vel affinitatis, aut cognationis spiritualis post matrimonium contractæ, possit quandoque licite exigere debitum? Id admittunt communiter DD. cum Sanchez 1, 9. d. 7, n. 5 (qui citat J. Andr. Præpos. Adrian, Victor. etc.) si adsit periculum incontinentiæ in altero conjuge. Imo dicunt Boss. c. 1. n. 261, et Idem Sanch. n. 11. cum Sot. Henr. Palac. Angles. etc. tunc teneri petere, quia hæc obligatio oritur ex ipsa institutione matrimonii. Idem admittunt etiam communiter S. Thom. in 4. d. 38. q. 1, a. 3. q. 2. ad 4. Boss. c. 1. n. 261, et idem Sanchez d. 8. n. 1. cum Sa, Syl. Ang. Turrecr. Henr. Led. etc. posse conjugem impeditum petere, si alter interpretative exigat, nempe quando mulier (ut ait Thomas) verecunda est, et vir sentit ejus voluntatem de debiti redditione. Tunc enim potest conjux impeditus se offerre, quia tunc potius est reddere, quam petere. Quoties autem liceat ei se offerre? Led. apud Sanch. dicit hoc licere quater in mense; sed melius Boss. num. 260. et idem Sanch. cum Victoria, dicunt id ex circumstantiis esse pensandum, nempe ex majori vel minori propensione alterius ad venerem. Censent autem idem Boss. n. 263, et Sanch. n. 2. cum Angel. non licere marito

his contract he has bound himself to cure him; but the married party has bound himself only *not to break* his own contract, but *not to prevent* the other from violating his or her contract. From this opinion it is inferred, that the married party since he is not bound by justice, but only by charity, in that case to make the demand, is not bound to demand at great inconvenience; hence then, probably, the wife is excused from making the demand, if in this she is obliged to suffer from great bashfulness.—Lig. vol. 6, n. 929.

It is asked, 3d, Whether a husband prohibited from demanding by reason of a vow, or of affinity, or spiritual kindred contracted after matrimony, can, at any time, lawfully demand the debt? This is commonly admitted by divines, together with Sanchez, &c., if there should exist any danger of incontinence in the other partner. Nay, it is said by Boss, &c., that they are then bound, inasmuch as this obligation arises from the very institution of marriage. The same thing is also commonly admitted by St. Thomas, &c., viz., that the husband, although prohibited, may make the demand if the other requires it by signs, namely, (as says St. Thomas), when the woman is bashful, and the husband perceives, *her desire* concerning the rendering of the debt. For then the husband although debarred, may offer himself, because it is then better to pay the debt than to ask it. But how often can it be lawful for him to offer himself? Sanchez and others say that this is allowable *four times in a month*. But with more propriety, Boss. and the same Sanchez, &c., say, that that is to be considered, *according to circumstances*, namely, according to the greater or lesser propensity of either to venereal pleasures. But Boss. &c., think that it

voto impedito se ad coitum offerre, quando uxor ei concessit licentiam vivendi castitatem, quia tunc cencetur ipsa cessisse jure suo, nempe quod vir in ejus gratiam debitum petat; nisi (excipiunt Sanch. et Bossius, contra Coninek. et Pal.) uxor esset in periculo incontinentiæ, quo casu dicunt quod vovens teneatur petere ex obligatione orta, ut supra dictum est ex ipsa institutione matrimonii.

“An autem liceat petere conjugi impedito si ipse sit in periculo incontinentiæ? Affirmant Viguerius, et Quintanady, apud Boss, num. 262. maxime si ille esset impeditus ratione affinitatis vel cognationis spiritualis, et commode non posset haberi dispensatio, essetque periculum in mora, quia lex ecclesiastica in tanto discrimine non obligat. Negant vero Sanch. num. 7. cum Guttier et Covarr. Bossius n. 262. cum Coninek. etc. quia periculum incontinentiæ est quidem justa causa dispensandi, non autem coeundi. Sed prima sententia respectu ad impedimentum ab Ecclesia impositum, mini non videtur improbabilis, si revera dispensatio brevi obtineri nequeat, et magnum periculum sit in mora.”—Lig. tom. 6, n. 930.

is not lawful for a husband, while prohibited by a vow, to *offer* himself for copulation, since the wife had conceded to him permission to vow chastity, because then she is herself considered to have ceded her rights, that is, that the husband should demand the debt on *her* account; unless (as is excepted by Sanchez, &c.) the wife were in danger of incontinence; in which case, say they, the party vowing is bound to demand from the obligation arising from the very institution of marriage itself.

But is the husband thus debarred permitted to demand, if he himself is in danger of incontinence? This is affirmed by Viguerius and others, more especially if he should be debarred by reason of affinity, or spiritual relationship, and a dispensation could not conveniently be had, and there should be danger in delay, because in so great an emergency the ecclesiastical law is not obligatory. But this is denied by Sanchez, &c., because danger of incontinence is indeed a just cause of dispensation, but not of copulating. But the first opinion, in respect to the impediment imposed by the Church, does not seem to be improbable, if in reality a dispensation cannot be obtained in a short time, and there should be great danger in delay.—Lig. vol. 6, n. 930.

#### ON THE SIN OF ER AND ONAN.

Variis modis peccari potest contra bonum prolis, scilicet, Imo, peccant viri, qui committunt peccatum Er et Onan, quos quia rem hanc detestabilem fecerunt, interfecit Dominus.—Genesis, 38.

2do. Peccant uxores, quæ potionibus foetus conceptionem impediunt, aut susceptum viri semen efficiunt, vel ejicere conantur.—Dens, tom. 7, p. 147.

Sin can in various modes be committed against the good of the offspring. Firstly, the men sin who commit the sin of Er and Onan, whom, because they did this detestable thing, the Lord slew.—Gen. 38.

Secondly, the wives sin who prevent the conception of the foetus with potions, or eject, or endeavor to eject, the seed received from the man.—Dens, v. 7, p. 147.



Notent hic Confessarii, quod conjugati, ne proles nimium multiplicetur, aliquando committunt detestabilem turpitudinem, in similitudinem Er et Onan, circa quod peccatum examinandi sunt.—Dens, tom. 7, p. 153.

Quær. III. an peccant mortaliter conjuges, si incepta copula cohibeant seminationem.

R. Si conjuges ambo in hoc consentiunt, nec adsit periculum seminandi extra vas, id per se loquendo non est mortale; illa enim penetratio vasis feminei tunc reputatur instar tactus verendorum, qui inter conjuges permittitur, vel saltem non est mortalis, secluso periculo pollutionis. Ita communiter S. Anton. 3. p. tit. 1, c. 20 § 6. Pont. 1. 10, c. 11. num. 9. Less 1. 4, c. 3, n. 55. Sporer num. 490. Salm. c. 15, num. 82, cum Aversa, et dic. Bos. c. 9, n. 58, cum Fill. Hurt et Perez, ac Sanch. lib. 9. d. 19, n. 3, cum Pal. Cajet. Ang. Sa, Arm. Tasi. etc. Dixi 1, si ambo consentiunt; nam, si alter se retrahit sine alterius consensu, certe graviter peccat, ut dicunt omnes AA. præfati. Dixi 2, per se loquendo; nam sapienter advertit Sanchez l. c. cum Veracerr. id ordinario esse mortale quia ordinario adest periculum ex ta iretractione effundendi semen, nisi conjuges experti sint oppositum; quo casu tamen puto nullo modo posse eos excensari saltem a veniali, quidquid dicat Sanch. ib. cum aliis.

Si vero femina jam seminaverit, vel sit in probabili periculo seminandi, non potest quidem vir data opera, a seminatione se retrahere, sine gravi culpa, quia tunc ipse est causa, ut semen uxoris prodigatur, communiter dicunt S. Anton. 1. c. Salm. n. 81. cum Caj. Anj. Sa, et alii possim. Hoc tamen non erit ita intrinsece malum, ut aliquo casu permitti non possit, puta

Here let the Confessors take notice, that the married, lest their children should multiply too fast, sometimes commit a detestable turpitude like that of Er and Onan, about which sin they are to be examined.—Dens. v. 7, p. 153.

It is asked, III., whether married persons sin mortally, if, after having commenced the act of copulation, they refrain from spending?

Answer. If both parties consent, and there be no danger of spending outside the vessel, that, speaking of itself, is not a mortal sin—for such entrance into the female vessel is then considered in the same light as touches of the private parts, which are permitted among married persons, or at least is not mortal sin, the danger of pollution being avoided. Thus, generally, St. Antoine, &c.

I have said, first, if both parties agree; for, if one withdraws without the consent of the other, he certainly sins grievously, as is asserted by all the above-cited authors.

I have said secondly, speaking of itself, (for it is wisely observed by Sanchez, &c.) that this is ordinarily mortal sin, because generally from such withdrawal there is danger of spilling the seed, unless the contrary has been experienced by the married parties; in which case, however, I think that they can in no way be excused, at least from venial sin, whatever may be said by Sanchez and others.

But, if the woman has already spent, or is in probable danger of spending, the husband cannot indeed withdraw himself from spending without venious sin, because in that case he himself is the cause that the seed of the wife is wasted, as is generally said by St. Antoine, &c. This, however, will not be so intrinsically bad, that it cannot, in any case, be permitted: for instance, if the man

si vir desisteret copula ob periculum mortis, vel scandali aliorum, tunc enim licite potest se retrahere etiam cum periculo pollutionis quia hæc per accidens, et præter intentionem eveniret, et contra non teneretur cum periculo tanti damni generationem procurare. Ita communiter Sanchez d. num. 4. Pal. num. 5. Salm. n. 81. cum Cajet Dicast. Henr. Hæc sunt certa apud omnes.

Si autem vir jam seminaverit, dubium fit, an femina lethaliter peccet, si se retrahat a seminando; aut peccet lethaliter vin non expectando seminationem uxoris. Prima sententia affirmat, et hæc tenent Aversa, et probabilem putat Diana pte. 5, tr. 14. r. 37, atque videtur cohærere Tabien et Arm, apud Sanch. l. 9. d. 19, n. 5, dum indistincte dicunt esse mortale, si altero seminante conjux a seminatione se retrahit. Ratio, quia, ut aiunt, etiam semen mulieris active concurrit ad generationem, prout censent ex medicis Hippocrates, Galenus, Valesius, et Petrus Matha ap Sanch. l. 2, d. 21, n. 11, et ex theologis Suar. t. 2, in 3. p. d. 10, sect. 1. v. Secundo infertur, ubi ait: Semen maternum simpliciter necessarium est ad concipiendum filium. Item B. Bonav. et Major ap. Boss, d. n. 60, ac. Caj. Abul, et plures alii ap. Sanch. l. c. et ipsi Sanch. et Boss. hanc opinionem satis probabilem putant; saltem, ait Bossius, semen mulieris juxta omnes valde confert proli perfectioni, cum ad hoc saltem fuerit a natura institutum. Secunda vero sententia communior negat; et hæc tenent Sanch. l. 9. d. 19. num. 5. Pont. 1, 10. c. 11. n. 2, cum Caj. Henr. Dic. Veracerr. etc. Hi contrario nituntur fundamento, nempe quod semen mulieris non sit necessarium ad generationem, ut asserunt Aristoteles, Avicenna, Galenus sibi contrarius.

assist from copulation from danger of death or scandal to others; for in that case he may lawfully withdraw himself, even at the risk of pollution, because this would happen by accident, and contrary to his intention; and, on the other hand, he is not bound, with danger of so much injury, to procure generation. Thus Sanchez, &c. These things are agreed upon by all.

But if the husband has already spent, it is doubtful whether the female commits a mortal sin if she withdraws from spending, or whether the husband commits a mortal sin by not waiting for the spending of the wife. The first opinion affirms this, and is maintained by Aversa, and is thought probable by Diana, and others, who seem to agree, while they indistinctly say that it is a mortal sin, if one party, having spent, the other withdraws from spending. The reason is, because, as they say, the seed, even of the woman conduces actively to generation, as is the opinion of Hippocrates, Galenus, &c. among Physicians; and of Suarez among theologians. In the second place it is inferred, where he says, "The mother's seed simply is necessary for conceiving a son;" also Bon. &c., think this opinion exceedingly probable; at least, says Bossius, the woman's seed, according to all, conduces greatly to the perfection of the offspring, since it was at least instituted for this purpose by nature. The second opinion, which is more common, denies it, and this is maintained by Sanch. &c. These rest on a contrary foundation, namely, that the seed of the woman is not necessary for generation, as is asserted by Aristotle, Avicenna, Galenus, (who contradicts himself) and Sanchez, who affirms this to be the common opinion of theologians.\*

\* What under the sun have Theologians to do with these matters?



ac Hugo Senensis, et Alb. M. ap. Sanchez l. 9, d. 17, n. 2, qui ait hanc esse cententiam communem theologorum, exceptis Scotistis. Nec obstare dicunt AA. hujus secundæ sententiæ, quod semen feminæ conferet perfectioni prolis; nam respondent quod non teneantur conjuges ad convenientiorem modum generandi, sed satis sit, si generationi non obstat. Quamvis autem dicant præfati AA. non teneri virum expectare seminationem mulieris, si ipse jam semina verit, concedunt tamen ei posse continuare copulam, usque dum seminet femina, quia hoc pertinet ad complementum copulæ uxoris, ut censent Pontius et Dian. ll. cc. Bonac. n. 14, cum Tab. et Graff, contra Henriq. (ap. Bon. l. c.) qui sentit virum non teneri expectare seminationem feminæ, quia periculum est ut hoc pacto impediatur generatio, quod non videtur satis probabile, nec cohærens; nam, si adesset tale periculum, non debuisset dicere non teneri, sed non posse, quod nemo asserit; nemo enim hoc periculum supponit.

Sed redeundo ad primam quæstionem, esto secunda sententia sit quidem communior, et probabilior, ut videtur, censeo tamen cum Boss. l. c. n. 52, primam sententiam esse satis probabilem, et ideo in praxi tenendam. Hinc neque practice probabile puto id quod dicunt Sanch. num. 5, et Spor. n. 491, cum Perez, Escob. Dic. et Gobato, nimirum posse mulierum in actu coitus animum ad alia divertere, ne concitetur ad seminationem.—Lig. t. 6. n. 918.

An autem, si ver se retrahat post seminationem, sed ante seminationem mulieris, possit ipsa statim tactibus se excitare ut seminet?

Negat auctor addit. ad Wigandt. t. 16, post n. 106, ac Dian. et Rodr. ap. Boss. l. 9, n. 54, adhæretque

except the Scotists. Nor is it any obstacle, say these authors of this second opinion, that the seed of the female conduces to the perfection of the offspring, for they answer that married persons are not bound to the more convenient mode of generation, but that it is sufficient if they do not oppose generation. Although the above mentioned authors say that a husband is not bound to wait for the spending of the wife, if he himself has already spent, they, however, allow that he may continue copulation until the woman spends, because this tends to the completion of the copulation of the wife, as is the opinion of Pont. &c., in opposition to Henriq.; who thinks that the husband is not bound to wait for the spending of the wife, because there is danger that in this manner generation may be impeded, which does not seem sufficiently probable nor consistent; for, if there existed such danger, he ought not to have said they were not bound, but that they were not able,—which no one asserts, for no one supposes this danger.

But in returning to the first question, granted that the second opinion may be more common and more probable, as indeed it seems, yet I think with Boss., that the first opinion is sufficiently probable, and on that account to be observed in practice.—Hence, I do not think that practically probable, which is affirmed by Sanch. and others, viz., that a woman can in the act of copulation, divert her mind to other objects, in order that she may not be excited to spend.—Lig. v. 6, n. 918.

But, if the husband withdraws after spending, but before the wife has spent, can she immediately, by touches, excite herself in order to spend?

This is denied by the author of the "Addit. ad Wigandt." &c., and this is agreed by Pall. saying, that is un-

ea Pal. § 3. n. 6, dicens id non esse licitum, si mulier posset se continere. Ratio, quia semen mulieris non est necessarium ad generationem; item quia effusio illa mulieris, utpote separata, non fit una caro cum viro. Communius vero affirmant Wigandt. tr. 116, n. 103. v. Solve, Less. l. 4, c. 3, n. 94. Bon. q. 4, p. 6, n. 17, in fin. cum Sanchez, lib. 9, d. 17, n. 10. Pot. t. 1, c. 4, n. 44, 10. Tamb. Dec. l. 1. c. 3. § 5. n. 18. Salm. c. 15. n. 80. in fin. cum Dic. Filliuc. tr. 10, n. 330. Sporer, n. 491. Boss. c. 9, n. 55, cum Aversa, Perez, Fagund, et Leandr. ac Elb. p. 479, num. 425, cum Cleric. Hom. Dian. Gob. et Bosco, et non reprobant Concin. p. 406, n. 11. Ratio, tum quia seminatio mulieris pertinet ad complendum actum conjugalem, qui consistit in seminatione utriusque conjugis; unde, sicut potest uxor tactibus se præparare ad copulam, ita etiam potest actum copulæ perficere, tum quia, si mulieres saltem post irritationem tenerentur naturam compescere, essent ipsæ jugiter magno periculo expositæ peccandi, cum frequentius viri, quia calidiores, prius seminent (sed hæc ratio non suadet; nam si hoc permetteretur uxoribus, deberet permitti etiam viris, casu quo mulier post suam seminationem se retraheret, et vir maneret irratatus; at DD. communiter dicunt id vetitum esse viris, ut Sanchez, n. 10, Wigandt. et Bonac. l. c.); tum quia, ut plures sentiunt, seminatio mulieris est necessaria, vel saltem multum confert ad generationem: nihil enim a natura frustraneum agitur. Omnes autem concedunt uxoribus, quæ frigidioris sunt naturæ, posse tactibus se excitare ante copulam, ut seminent in congressu maritali statim habendo. Vide Conc. n. 13.—Lig. t. 6, n. 919.

The reader is requested to observe, in the Latin column of the foregoing extract, the long list of Divines who have written elaborate treatises

lawful if the woman could contain herself. The reason is, because the woman's seed is not necessary for generation; also, because that effusion of the woman, inasmuch as it is *separate*, does not become one flesh with the husband. It is, however, more generally affirmed by DIVINES, (that she may in *this manner* perfect the act.) The reason is, both because the woman's spending tends to perfect the conjugal act, which consists in the spending of both parties; consequently, as the wife may by touches prepare herself for copulation, so also may she perfect the act of copulation; and also, if women were bound, at least after irritation, to restrain nature, they would in like manner themselves be exposed to great danger of sinning, since generally the husbands, being of a hotter nature, spend first:—(but this reasoning is not conclusive, for if this were permitted to the wives, it ought to be permitted also to the husbands; in which case, the woman, after spending herself, might withdraw, and the husband remain in a state of irritation; but the doctors commonly say that that is forbidden to the husbands, as Sanchez, &c.) And also because in the opinion of many, the woman's spending is necessary, or at least greatly conduces to generation; for nothing is done in vain by nature. But all concede to the wives, who are of a colder nature, that they may by touches excite themselves before to copulation, in order that they may spend immediately on the marital encounter taking place. See Conc. n. 13.—Lig. v. 6, n. 919.



tises on this most perplexing *theological* topic. Such matters appear to be more congenial to the tastes of Roman Catholic "Saints" than the dry subjects which generally occupy the attention of Protestant Divines, viz., The Evidences of Christianity, Proofs of its relation to the Doctrine of the Trinity, &c.

Ne Confessarins hæreat iners in circumstantiis alicujus peccati indagandis, in promptu habeat hanc circumstantiarum versiculum :

Lest the Confessor should indolently hesitate in tracing out the circumstances of any sin, let him have the following versicle of circumstances in readiness :

Quis,\* quid, ubi, quibus auxiliis, cur, quomodo, quando — Deus, tom. 6, p. 123.

### ON THE CARNAL SINS WHICH MAN AND WIFE COMMIT WITH ONE ANOTHER.

Certum est, conjuges inter se peccare posse, etiam graviter contra virtutem castitatis, sive continentiae, ratione quarundam circumstantiarum; in particulari autem definire, quæ sunt mortales, quæ solum veniales, perobscurum est, nec eadem omnium sententia; ut vel ideo soli-

It is certain that man and wife can sin grievously against the virtue of chastity, or continence, with regard to certain circumstances relating to the use of their bodies; but to define particularly what are mortal, what only venial, is a matter of very great difficulty, nor are all

\* *Quis*. So concise is this versicle of circumstances, that it baffles all attempts to translate it literally. The following lines, however, as will appear from Dens' own explanation, which I shall immediately subjoin, sufficiently convey the meaning to the English reader :

Her state, married or single, the sinner shall tell,  
The sin, when and where, th' auxiliaries by which she fell,  
The motive that led her, and the posture she chose;  
For absolution to fit her, she must these disclose.

By the word "*Quis*" we are told (vol. I, p. 227,) is meant that the priest should know the quality or condition of the penitent, whether wife, maid, or widow, &c.

By "*Quid*," the quantity, quality, and effect of the act.

By "*Ubi*," the accidental quality of the place,—whether sacred or profane, public or private, at home or abroad; and here Dens takes occasion to say, that carnal sins, as fornication, &c., committed in the conversation-room, or garden, of a monastery, should not, on that account, be considered sacrilegious; from which it appears that, in religious communities or societies, the conversation-room and garden enjoy important privileges. (*Si prefata peccata committerentur in locutorio aut horto monasterii non inde contraherent malitiam sacrilegii*.) In the 4th volume, p. 377, the same privileges are extended to the oratories, chambers, cells, and other buildings within the precincts of a monastery.

By "*Quibus auxiliis*," with what assistance or accomplices.

By "*Cur*," with what motives—the why and wherefore.

By "*Quomodo*," the accidental mode or manner in which the action has taken place. This includes all the positions in which the act can be performed.

By "*Quando*," the quality and quantity, or duration of time.

The above circumstances are then summed up, and exemplified in the following chaste and edifying corollary:—"John, the keeper of the church, long intending to commit fornication with Anna, having called in his accomplices, violently snatches from the hands of the priest, in the church, the consecrated chalice of gold, in order that he may have money to commit the fornication with her, in consequence of which the people were not able to hear mass on the holy day. Tell how many and what circumstances intervene in this case?"

etc persuadendum sit conjugatis, ut recordentur se esse filios Sanctorum, quos dicet in sanctitate conjugali filios procreare. Quidam auctores circumstantias circa actum conjugalem præcipue observandas, exprimunt his versibus :

"Sit modus, et finis, sine damno, solve, cohære,  
Sit locus et tempus, tactus, nec spernito votum."

writers of one opinion on the subject; so that, even, on that account, the married ought to recollect that they are the children of the saints, and should therefore beget children in conjugal sanctity. The circumstances which are chiefly to be observed in the conjugal act, some authors express in the following verses :

"Let the posture be such as best suits the great end,  
For which nature ordains that the sexes shall blend.

Without loss to the parties engaged in the task,  
To the wife, or yourself, or the babe in the cask.

The debt duly pay when your vigor's excited,  
By touches well aimed till your marrow's ignited.

A place being selected your powers to expend,  
In close embrace cohere till you perfectly spend.

The time also deserves some trifling attention,  
But of fluor and births I've already made mention.

If to chastity bound, to the act don't entice,  
But when tempted to yield, fall to work in a trice."

Latin scholars will acknowledge the utter impossibility of translating these two lines literally; but English readers may think it strange that two lines of Latin cannot be translated into an equal number of lines in English. Therefore, to satisfy the minds of such persons, the compiler hereby offers the sum of two guineas to any person who will supply him with a good literal translation of the above passage in two lines, either in prose or verse.

N. B. Priests, as being most conversant with the subject, are invited to compete.

Ergo debet servari modus, sive situs, qui dupliciter invertitur, imo. ut non servetur debitum vas, sed copula habeatur in vase præpostero, vel quocumque alio non naturali:

Therefore, manner, or posture ought to be observed, which is inverted in a two-fold way: first, when the proper vessel is not kept, but the connection takes place in the hinder



quod semper mortale est spectans ad sodomiam minorem, seu imperfectam, idque tenendum contra quosdam laxistas, sive copula ibi consummetur, sive tantum inchoetur consummanda in vase naturali.

Modus sive situs invertitur, ut servetur debitum vas ad copulam a natura ordinatum, v. g. si fiat accedendo a præpostero, a latere, stando, sedendo, vel si vir sit succubus. Modus is mortalis est, si inde suboritur periculum pollutionis respectu alterius, sive quando periculum est, ne semen perdatur, prout sæpe accidit, dum actus exercetur stando, sedendo, aut viro succumbente; si absit et sufficienter præcaveatur istud periculum, ex communi sententia id non est mortale: est autem veniale ex gravioribus, cum sit inversio ordinis naturæ; estque generatim modus ille sine causa taliter coeundi graviter a Confessariis reprehendus: si tamen ob justam rationem situm naturalem conjuges immutent, secludaturque dictum periculum, nulum est peccatum, ut dictum est in numero 48.

vessel, or in any other not ordained by nature for that purpose, which is always a mortal sin, tending to that which is called minor or imperfect sodomy; and this must be held against certain Divines of loose opinions,\* whether the connection be consummated there (in the improper passage), or be only begun there to be consummated in the natural passage.

Manner or posture is inverted, though the connection takes place in the vessel appointed by nature for that purpose; for instance, if it be done from behind, or when the parties are on their sides, or standing, or sitting, or when the husband lies underneath. This method of doing it is a mortal sin, if there should therefrom arise to either party a danger of pollution, or of losing the seed, a thing which often happens† when the act is performed standing, or sitting, or the husband lying underneath; but if that danger be sufficiently guarded against, it is not, in the common opinion of Divines, a mortal sin; yet it is one of the weightier sort of venial sins, since it is an inversion of the order of nature; and in general, that method of thus coming to coition must, when without sufficient cause, be severely censured by the Confessors. If, however, man and wife, for some just reason, change the natural posture, and if the aforesaid danger (of losing the seed) be secluded, there will be no sin, as has been said in number 48.

\* We are also told, in another part of the same volume, that the wicked wretch who invades his father's bed and commits incest with his step-mother, is not so guilty in the eyes of the Church as the man who circulates the Bible. The latter "is excommunicated with an excommunication reserved to the Supreme Pontiff; whilst the offence of the former does not constitute even a reserved case—"Incestus privigni cum noverca non reservatur." (Vol. 6, p. 287). Nothing is so "atrocious" as Protestantism—neither incest nor sodomy.

† Often happens? How did he know? There is nothing done, it appears, that can escape the knowledge of the priest; he knows the secrets of young and old; he can tell the real father of every child in the parish—nay, the very attitude in which each was begotten, and the words with which each embrace was given! and yet, in this very sentence, these purient inquisitors are called "Divines."

Minuitur periculum perdendi semen, si verum sit, quod dicunt Sanchez, Billuart, et Preinguez, scilicet quod in matrice sit naturalis vis attractiva seminis, ut in stomacho respectu cibi.

Debet finis esse legitimus; de quo et quomodo ratione finis peccari possit, dictum est Num. 51 et sequentibus.

Per particulam "sine damno" importatur cavendum esse damnum tum prolis conceptæ et concipiendæ, tum ipsorum congregantium, de quibus egimus Num. 47.

Verbum "solve" importat obligationem solvendi sive reddendi debitum legitime petatum, de qua obligatione diximus Num. 46 et sequentibus.

Per verbum "cohaere" intelligitur coherencia usque ad perfectam copulam, seu seminationem perfectam, ita ut per se mortale sit, inchoatam, copulam abrumper.—Dens, tom. 7, pp. 166-7.

Our bachelor Saint now expatiates upon the various possible postures, and other delicate matters. We think very few of our married friends could compose such a masterpiece of matrimonial mysteries.

VI. Si fiat modo indebito, verbi gratia—1. Si non servetur vas naturale: quod multi docent esse veram sodomiam, alii esse grave peccatum contra naturam. Vide 6 præceptum.—2. Si sine justa causa situs sit innaturalis, præposterus, etc. quod aliqui dicunt esse mortale, alii, secluso periculo effusionis seminis, veniale tantum, etsi grave, et graviter increpandum, Dian. pte. 3, t. 4 res. 204. 3. Si alter conjugum ex-morositatem, vel alia ratione semina-

The danger of losing the seed is lessened, if that be true, which is said by Sanchez and others, to wit, that the womb has a natural power of attraction with respect to the seed, as the stomach has with respect to meat.

The "end" ought to be legitimate; concerning which, and in what manner the parties may commit sin with regard to the end, we have treated in No. 51, and those following it.

The words "without loss" import that care must be taken that no injury be done to an offspring already conceived, or about to be conceived, or to the parties themselves meeting in the act of coition, concerning which we have treated in No. 47.

The word "pay" imports the necessity of paying the debt when legitimately asked, concerning which we have treated in No. 46, and those following it.

By the word "cohere" is understood the necessity of coherence (or sticking close) till the act of copulation is perfected, or until the parties spend completely; so that it is of itself a mortal sin abruptly to break off, when copulation has been once begun.—Dens, vol. 7, p. 166-7.

If it (copulation) takes place in an improper manner; as, for example,—1st, if the natural vessel be not kept, which many teach to be real sodomy; others that it is a real sin against nature. See 6th com. 2ndly, if without just cause the position be unnatural, from behind, &c., which some maintain to be mortal sin; others, danger of spilling seed being avoided, that it is only a venial sin, although grievous and severely to be reprehended, Dian, &c. 3. If one



tionem cohibent quod quidam generatim dicunt esse mortale, quia finis actus conjugalis, scilicet generatio, impeditur; quidam tamen, ut Præpositi et Sanchez dicunt in femina nullum esse. Vid. Bonac. p. 6, n. 15 et p. 1.—Lig. t. 6, n. 915.

Quæritur I. An peccet mortaliter vir inchoando copulam in vase priore, ut postea in vase debito eam consummet. Negant Navarr. l. 5. Consil. de Poenit. cons. 7, ac Angel, Zerola, Graff. Zenard et Gambac. apud Dian. p. 2, tract 17, r. 37, modo absit periculum pollutionis; quia alias, ut aiunt, omnes tactus etiam veneri non sunt graviter illiciti inter conjugatos. Sed comm. et verius affirmant Sanchez, l. 1, d. 17, num. 5, Pont, lib. 10, c. 11, n. 5. Pal. p. 4, § 2, n. 6. Bonac. p. 11, n. 12. Spor. n. 497. Ratio, quia ipse hujusmodi coitus (etsi absque seminatione) est vera sodomia, quamvis non consummata, sicut ipsa copula in vase naturali mulieris alienæ est vera fornicatio, licet non ad sit seminatio. An autem sit mortale viro perficere virilia circa vas proposterum uxoris? Negant Sanchez num. 5, et Boss. n. 175, cum Fill. et Perez, quia tangere os vasis præposteri non est ordinatum ad copulam sodomiticam. Sed verius pariter affirmant Pontius loco citato, Pal. n. 6. Atque Tambur. n. 32. (qui testatur ex aliquibus codicibus sententiam Thomæ Sanch. esse deletam; imo Moyas asserit ipsum Sanchez se retractasse in editione Antuerpiensi anno 1614.) Ratio est, quia saltem talis tactus non potest moraliter fieri sine affectu sodomitico. Lig. tom. 6, n. 916.

Quærit. II. An et quomodo peccent conjuges cœundo situ innaturali. Situs naturalis est, ut mulier sit succuba, et vir incubus; hic enim modus aptior est effusioni seminis

of the married parties either from sulkiness, or other reason, refrain from spending, which some generally maintain to be mortal sin, because the end of the conjugal act, viz., generation, is impeded; some, however, with Sanchez, say it is no sin in the female.—Lig. vol. 6, n. 915.

It is asked, 1st, does a man sin mortally by commencing the act of copulation in the hinder vessel, that he may afterwards finish it in the proper vessel? This is denied by Navarr. &c., provided there be no danger of pollution; because, otherwise, as they say, all touches, even venereal, are not grievously illicit among married persons. But it is commonly and more truly affirmed by Sanchez, &c. The reason is, because the very act of copulation after this manner (even without spending) is real sodomy, although not consummated, just as copulation itself in the natural vessel of a strange woman is real fornication, though there may be no spending. But is it a mortal sin for a man to rub his — against the hinder vessel of the wife? This is denied by Sanchez, &c., because to touch the mouth of the hinder vessel is not ordained for sodomical copulation. But it is more truly affirmed by Pontius, &c., and also by Tambur. (who testifies that the opinion of Sanchez has been expunged from some books. Nay, Moyas asserts that Sanchez himself had retracted, in the Antwerp edition, anno 1614.) The reason is, that such touch cannot morally take place without affecting sodomy.—Lig. vol. 6, n. 916.

It is asked, 2ndly, whether, and in what manner, married parties sin by copulating in an unnatural posture. The natural posture is for the woman to lie under the man, be-

virilis, et receptioni in vas femineum ad prolem procreandam. Situs autem innaturalis est, si coitus aliter fiat, nempe sedendo, stando, de latere, vel præpostere more pecudum, vel si vir sit succubus, et mulier incubus. Coitum hunc, præter situm naturalem, alii apud Sanchez, l. 9, d. 16, num. 2 generice damnant de mortali; alii vero dicunt esse mortale ultimos duos modos, dicentes ab his ipsam naturam abhorrere. Sed communiter dicunt alii omnes istos modos non excedere culpam venialem. Ratio, quia ex una parte, licet adsit aliqua inordinatio, ipsa tamen non est tanta, ut pertingat ad mortale, cum solum versetur circa accidentalialia copulæ; ex alia parte, mutatio situs generationem non impedit, cum semen viri non recipiatur in matricem mulieris per infusionem, seu descensum, sed per attractionem, dum matrix ex se naturaliter virile semen attrahit. Ita S. Anton. 3, p. tit 2, c. 2. § 3. in fine, cum Alb. M. Nav. c. 16, n. 42. Pont. l. 10, c. 11, num. 1. Petrocor. t. 4, p. 445. v. Tertius casus, Salm. c. 15, n. 73. Boss. c. 7, n. 68. Hol. n. 458. Sporer, n. 493. Ronc. p. 184, q. 4, &c.—Lig. t. 6, n. 917.

cause this posture is better adapted for the effusion of the man's seed, and its reception into the female vessel, for the purpose of procreation. But an unnatural position is, if coition takes place in a different manner, viz., sitting, standing, lying on the side, or from behind, after the manner of cattle, or if the man lies under the woman; such coition, contrary to the natural posture, some, with Sanchez, &c., generally condemn as mortal sin; others maintain that only the two last modes are mortal sin, affirming these to be repugnant to nature itself: but others commonly say that all these modes do not exceed venial sin. The reason is, because, on the other side, although there may be something inordinate, yet that is not so great as to amount to mortal sin, inasmuch as it is applied only to the accidentals of copulation; on the other side, change of posture does not impede generation, since the man's seed is not received into the matrix of the woman by infusion, or descent, but by attraction, whilst the matrix of itself naturally attracts the man's seed. Thus St. Anton., &c.—Lig. vol. 6, n. 917.

### TOUCHES, LOOKS, AND FILTHY WORDS.

We now give a few extracts on the above subjects, which the ingenuity of very fiends could not surpass. Yet it is for teaching this filth that Maynooth College receives a Parliamentary Grant of £30,000 a year. We hope the days of that iniquitous grant are numbered. If Oxford, Cambridge, and Dublin are to be interfered with, surely, so also may Maynooth.

Quæres an, et quando liceant tactus, aspectus, et verba turpia inter conjuges.

R. Tales actus per se iis licent: quia cui licitus est, finis, etiam licent media; et cui licet consummatio, etiam licet inchoatio. Unde

You will ask, whether, and at what times, touches, looks, and filthy words are permitted among married persons?

Ans. Such acts are of themselves lawful to them, because, to whom the end is lawful, the means are also lawful; and to whom the consum-



licite talibus naturam excitant ad copulam. Quod si vero separatim, et sine ordine ad copulam, v. g. voluptatis causa tantum fiant; sunt venialia peccato, eo quod ratione status, quia illos actus cohonestat, habeant jus ad illos: nisi tamen, ut sæpe contingit, sint conjuncti cum periculo pollutionis; aut conjuges habeant votum castitatis, tunc enim sunt mortalia, ut dictum supra l. 3. t. 4. c. 2. d. 4. Dian. p. 3. t. 4. r. 204, et 216.—Lig. t. 6, n. 932.

#### Unde Resolves.

I.—Conjux venialiter tantum peccat—1. Tangendo seipsum ex voluptate, et tactum non ita expresse referendo ad copulam, ut contra Vasquez et alios probabiliter docet Sanch. l. 9. d. 44. 2. Oblectando se veneree sine periculo pollutionis de actu conjugali cogitato, dum abest compars, vel actus exerceri non potest. Fill. Laymann. Tann. Maider cum Dian. p. 3. t. 4. res. 224. contra Nav. Azor. etc.

II.—1. Peccat graviter vidua, quæ se veneree oblectat de copula olim habita; quia est illi illicita per statum. 2. Bigamus, qui in actu conjugali, cum secunda exercito, repræsentat sibi priorem, et de ea carnaliter delectatur, quia est permixtio cum aliena, Laym. l. 1. t. 9.

Quæritur I. An sint mortales tactus et aspectus turpes inter conjuges propter solam voluptatem, sine ordine ad copulam, si non adsit periculum pollutionis. Affirmant S. Antonin. Sylv. Margar. etc. apud Sanchez lib. 9. d. 44. n. 11. quia (ut dicunt) omnis actus venereus,

mation is lawful, so also is the beginning: consequently, they lawfully excite nature to copulation by such acts. But, if these acts are performed separately and without order to copulation, as, for example, for the purpose of pleasure alone, they are venial sins, because, in respect of the state which renders those acts honorable, they have a right to them; unless, however, as often happens, they are joined with danger of pollution, or the married parties have a vow of chastity, for in that case they are mortal sins, as has been said above.—Lig. vol. 6, n. 932.

#### Whence it will be resolved.

I.—A husband commits only venial sin—1st. By touching himself from pleasure, and by not referring the touch so expressly to copulation, as Sanchez more probably teaches, in opposition to Vasquez and others. 2nd. In pleasing himself venereally without danger of pollution, in thinking of the conjugal act, whilst the partner is absent, or the act itself cannot be exercised.

II.—1st. A widow sins grievously when she derives venereal pleasure from copulation formerly had, because such is unlawful to her, in consequence of her state. 2ndly. A person married a second time, who, during the conjugal act, had with the second wife, represents to himself the first, and derives carnal pleasure thereby, because it is permixture with another woman.

It is asked—1st, whether touches and base looks among married people be mortal sin, on account of pleasure alone, without order to copulation, if there should not be danger of pollution. This is affirmed by St. Anthony and others, because (as they say) every venereal act not

non relatus ad copulam conjugalem est mortalis. Negat vero sententia communis et verior, eamque tenent Laym. l. 3. s. 4. num. 12. Pal. p. 4. § 2. Less. lib. 4. c. 3. n. 125. Bonacina q. 4. p. 8. n. 12. Sporer n. 502. Sanch. dict. d. 44. n. 12. et pluribus aliis. Ratio, quia status conjugalis sicut cohonestat copulam, ita etiam hujusmodi tactus et aspectus, etc. Lig. tom. 6, n. 933.

Quærit II. quid, si conjuges ex his turpibus actibus prævideant pollutionem secuturam in se vel in altero. Plures adsunt sententiæ. Prima sententia, quam tenent Sanch. lib. 9. d. 45. ex n. 34. Fill. tract. 3. c. 9. n. 356. Viva q. 7. art. 4. n. 4. Escob. l. 26. n. 207. Elb. n. 393. cum Herinex, et Spor. n. 500. id excusat ab omni culpa etiam in petente, si pollutio non intendatur, nec adsit periculum consensus in eam, et modo tactus non sit adeo turpis, ut judicetur inchoata pollutio (prout esset digitum morose ad-movere intra vas femineum); ac præterea adsit aliqua gravis causa talem tactum adhibendi, nempe ad se præparandum ad copulam, vel ad fovendum mutuum amorem. Ratio, quia tunc justa illa causa tales actus cohonestat, qui alioquin non sunt illiciti inter conjuges; et si pollutio obvenit, hoc erit per accidens. Dicitur si adsit gravis causa; nam, si non adsit, prædicti actus non excusantur a mortali. Secunda sententia, quam tenent Pal. p. 4. § 2. n. 2. Boss. cap. 7. n. 213. et Salm. cap. 15. num. 86. cum Soto, Caject. Dec. Hurt. Aversa, et communi ut asserunt, distinguit et dicit esse mortalia tactus impudicos, si prævideatur pollutio ex eis proventura; quia, cum hi proxime influant ad pollutionem, et non sint per se instituti ad fovendum affectum conjugalem, consentur voluntarii in causa: secus, si sint pudici, ut oscula et amplexus, quia actus isti

relating to conjugal copulation, is mortal sin. But *this is denied by the common and more true opinion*, and that opinion is maintained by Laym. and others. The reason is, that as the marriage state renders copulation honorable, so also does it touches and looks of this nature, &c.—Lig. vol. 6, n. 933.

It is asked—II., what if married persons, from these filthy acts, foresee pollution about to follow, either in themselves or the other? There exist many opinions. The *first opinion*, which is maintained by Sanchez, exempts that from all sin, even in the person demanding, if pollution be not *intended*, and there be no danger of consenting to it, and provided the touches be not so filthy that they ought to be considered as begun pollution (such as would be to move the finger morosely within the female vessel); and besides there might be some grave cause of applying such touches, viz., for the purpose of preparing one's self for copulation, or for promoting mutual love. The reason is, because in that case the just cause renders such acts honorable, which are not otherwise unlawful among married persons, and if pollution ensues, this will be by accident. It is said, *if there be grave cause for it*; if there be not, the forementioned acts are not excused from mortal sin. The *second opinion*, maintained by Pal. &c., distinguishes and affirms, that unchaste touches are a mortal sin, if pollution is foreseen to proceed from them, because since these proximately lead to pollution, and are not of themselves instituted to promote conjugal affection, they are considered voluntary in effect; otherwise if they are chaste, such as kisses and embraces, because such acts are of themselves lawful among married



per se inter conjuges sunt liciti, cum per se apti sint ad fovendum conjugalem amorem. Tertia sententia, quam tenet Diana p. 6. tr. 7. r. 65. cum Præpos. et Vill. dicit tactus tam impudicos quam pudicos esse mortalia, si prævideatur periculum pollutionis. Ratio, quia ideo tactus licet inter conjuges, in quantum quærentur intra limites matrimonii, in quantum nihil sequitur repugnans fini et institutioni seminis: cum autem prævidetur seminis dispersio, licet non intendatur, qualescumque tactus sunt illiciti.

His sententiis positis, puto probabilius dicendum, quod tactus turpes inter conjuges cum periculo pollutionis, tam in petente quam in reddente sint mortalia, nisi habeantur ut conjuges se excitent ad copulam proxime secuturam; quia, cum ipsi ad copulam jus habeant, habent etiam jus ad tales actus, tametsi pollutio per accidens copulam præveniat. Tactus vero pudicos etiam censeo esse mortalia, si fiant cum periculo pollutionis in se vel in altero, casu quo habeantur ob solam voluptatem, vel etiam ob levem causam: secus, si ob causam gravem, puta, si aliquando adsit urgens causa ostendendi indicia affectus ad fovendum mutuum amorem, vel ut conjux avertat suspicionem ab altero, quod ipse sit erga aliam personam propensus.—Lig. tom. 6, n. 934.

An autem sit semper mortale, si vir immittat pudenda in os uxoris? Negant Sanch. lib. 9. d. 17. n. 5. et Boss. cap. 7. n. 175. et 193. cum Fill. ac Perez, modo absit periculum pollutionis. Sed verius affirmant Spor. de Matrim. n. 498. Tamb.

parties, since they are naturally calculated to cherish conjugal love. *The third opinion*, maintained by Dian. &c., affirms that touches, both the unchaste and the chaste, are mortal sin, if danger of pollution be foreseen. The reason is, because touches are therefore lawful among married people, in so far as they are sought within the limits of matrimony, or in so far as nothing follows repugnant to the end and the institution of seed; but when the dispersion of seed is foreseen, although not intended, touches of whatsoever nature are unlawful.

These opinions being laid aside, I am of opinion, that it ought more probably to be said, that filthy touches among married people, with danger of pollution, are mortal sins both in the one demanding and in the one complying, unless they are had in order that the married persons may excite themselves to copulation immediately to follow, because, when they have a right to copulation, they have also a right to such acts, although pollution may by accident anticipate copulation. But I am of opinion that even chaste touches are mortal sins, if they are had with danger of pollution either in one's self or in another, in which case they are had solely for pleasure, or even for a light cause; otherwise, if for a grave cause, as, for instance, if there should exist, at any time, urgent cause for showing tokens of affection to cherish mutual love, or that one party may avert suspicion from the other, that he or she is favorably inclined towards another person.—Lig. vol. 6, n. 934.

But is it always a mortal sin, if the husband introduces his — into the mouth of his wife? It is denied by Sanchez and others, provided there be no danger of pollution. But it is more truly affirmed by Spor. de Matrim. and others, both because in

lib. 7. c. 3. § 5. n. 33. et Diana p. 6. tract. 7. r. 7 cum Fagund. tum quia in hoc actu ob calorem oris adest proximum periculum pollutionis, tum quia hæc per se videtur nova species luxuriæ contra naturam (dicta ab aliquibus *irrumatio*): semper enim ac quæritur a viro aliud vas præter vas naturale ad copulam institutum. videtur nova species luxuriæ. Excipit tamen Sporer 1. c. cum Fill. et Marchant. si id obiter fiat; et hoc revera sentire videtur etiam Sanch. dum excusat actum illum a mortali, si cesset omne periculum pollutionis. Excipit etiam Pal. p. 4 § 2. num. 6. si vir hoc faceret, ut se excitet ad copulam naturalem. Sed ex prædictis neutrum admittendum puto. Eodem autem modo Sanchez loc. cit. n. 32 in fin. damnat virum de mortali, qui in actu copulæ immitteret digitum in vas præposterum uxoris, quia (ut ait) in hoc actu adest affectus ad sodomiam. Ego autem censeo posse quidem reperiri talem effectum in actu; sed per se loquendo hunc effectum non agnosco in tali actu insitum. Ceterum, graviter semper increpandos dico conjuges hujusmodi fœdum actum exercentes.—Lig. tom. 6. n. 935.

Quær. IV. An sit mortalis delectatio morosa in conjugate de copula habita vel habenda, quæ tamen non possit haberi de presenti. Adsunt tres sententiæ. Prima sententia affirmat; et hæc tenent Pont. lib. 10. c. 16, n. 21, Wigand. tr. 4, n. 59, Sylv. ac. Vega. Rodriq. et Dic. apud Salm. c. 15, n. 88. qui probabilem vocant. Ratio, quia talis delectatio est quasi inchoata pollutio, quæ, cum eo tempore non possit haberi modo debito, omnino fit illicita. Secunda vero sententia communior negat; eamque tenent Pont. p. 4, q. 8, n. 12 Spor. n. 505 Crox n. 837, cum Saur et Sanchez, 1. 9, d.

this use owing to the heat of the mouth, there is proximate danger of pollution, and because this appears of itself a new species of luxury, repugnant to nature (called by some, *Irromation*), for as often as another vessel than the natural vessel ordained for copulation, is sought by the man, it seems a new species of luxury. However, Spor. and others make an exception, if that be done casually; and, in truth, Sanchez seems to be of this opinion, whilst he excuses that act from mortal sin, should all danger of pollution cease. Pal. also, makes an exception, "if the husband does this to excite himself for natural copulation." But from what has been said before, I think neither ought to be admitted. In the same manner, Sanchez, condemns a man of mortal sin, who, in the act of copulation, introduces his finger into the hinder vessel of the wife, because (he says) in this act there is a disposition to sodomy. But I am of opinion that such effect may be found in the act; but, speaking of itself, I do not acknowledge this effect natural in the act. But I say that husbands practising a foul act of this nature, ought always to be severely rebuked.—Lig. vol. 6, n. 935.

It is asked, Does morose gratification in a married party, respecting copulation had, or to be had, which yet cannot be had for the present, amount to mortal sin?—There are three opinions. *The first opinion* affirms it; and this is maintained by Pont. &c., who call it probable. The reason is, because such gratification is, as it were, begun pollution, which, since it cannot be had at that time in a lawful manner, is altogether illicit. But the *second opinion*, more common, denies this; and this opinion is maintained by Pont. &c. This opinion says that such gratification is not a mortal sin,



44, n. 3, cum S. Anton. Palud Cajet. Viguer. et communi, ut asserit, utque fatetur etiam Pontius, item Conineck., &c., qui etiam probabilem putant. Hæc sententia dicit talem, delectationem non esse mortalem si absit periculum pollutionis; sed tantum venialem. Est venialis, quia ipsa caret debito fine, cum non possit ordinari ad copulam præsentem. Non est autem mortalis, quia delectatio sumit suam bonitatem vel malitiam ab objecto; et cum copula sit licita conjugatis, non potest esse eis graviter illicita illius delectatio. Et huic expresse favet id quod ait D. Thom. de Malo, q. 15, art. 2, ad. 17, ubi: Sicut carnalis commixtio non est peccatum mortale. Conjugato, non potest esse gravius peccatum consensus in delectationem, quam consensus in actum. Idque admittit Spor. etiamsi habeatur delectatio venerea orta ex commotione spirituum. Tertia demum sententia, quam tenent Salm. d. c. 15, n. 90, distinguit et dicit, quod, si delectatio sit absque commotione spirituum non erit mortalis; secus, si cum commotione et titillatione partium. Ego meum iudicium proferam. Si delectatio habeatur non solum cum commotione spirituum, sed etiam cum titillatione seu voluptate venerea, sentio cum Conc. p. 408, n. 10, (contra Sporer ut supra) eam non posse excusari a mortali, quia talis delectatio est proxime conjuncta cum periculo pollutionis. Secus vero puto dicendum, si absit illa voluptuosa titillatio, quia tunc non est delectationi proxime adnexum periculum pollutionis, etiamsi adsit commotio spirituum; et sic revera sentit Sanchez, l. c. n. 4, cum Vasque, cum ibi non excuset delectationem cum voluptate venerea, sed tantum, ut ait, cum commotione et alteratione partium absque pollutionis periculo. At, quia talis commotio propinqua est illi titillationi volup-

if there be no danger of pollution, but only a venial sin. It is venial, because it wants the due end, since it cannot be ordained for present copulation. But it is not mortal sin, since gratification derives its good or bad qualities from the object; and since copulation is lawful for married persons, its gratification cannot be grievously unlawful to them. And this is expressly favored by what St. Thomas says,—“As carnal intercourse is not a mortal sin to a married person, the consent to gratification cannot be a greater sin than the consent to the act.” And this is admitted by Spor, although the venereal gratification arising from the moving of the passions be had. Lastly, *the third opinion*, maintained by Salm. distinguishes and says, that if the gratification be without moving of the passions, it will not be mortal—otherwise, if accompanied by the moving and titillation of the parts. I will proffer my own opinion: If the gratification be had not only with the moving of the passions, but also with titillation, or venereal pleasure, I am of opinion that that cannot be excused from mortal sin, because such gratification is proximately allied to danger of pollution. I think that the contrary should be said, if it be not attended with that voluptuous titillation, because then danger of pollution is not proximately annexed to the gratification, although it may be attended with the moving of the passions; and so, in truth, think Sanchez, &c., since there he does not excuse the gratification with venereal pleasure, but only, as he says, with the excitement and moving of the parts without danger of pollution. But since such moving is nearly allied to that voluptuous titillation, therefore married couples are to be especially exhorted to abstain from morose gra-

quosæ, ideo maxime hortandi sunt conjuges, ut abstineant ab hujusmodi delectatione morosa. Item advertendum eam esse omnino illicitam in conjugate, qui esset obstrictus voto castitatis, ut dicunt communiter Sanchez, d. d. 44, n. 26, et Boss. c. 7, n. 201, cum Vasq. Fill. et aliis.—Lig. t. 6, n. 937.

Dens enters very fully into the same subject in vol. 7. pp. 166-9. As his opinions are identical with those of Liguori, we need not repeat them here.

The following extracts from Liguori require no comment from us. They speak for themselves, and are rather comprehensive as to time, place, frequency, and other *interesting* circumstances:—

VII. Si in loco indebito, v. gr. sacro, qui inde violetur, vel in loco, publico (vide dicta de hoc puncto lib. 3, num. 485), ubi diximus cum Navarro, Vasq, Tol. Azor. Con. Pont. etc. quod, licet probabile sit, per copulam conjugalem occultam in ecclesia non committi sacrilegium neque ecclesiam pollui probabilis tamen est oppositum, nisi adsit necessitas, cum Suar. Sanch. Less. Bonac. Holzm. Croix, Salm. etc. etsi eo casu non tenentur clerici ibi abstinere a divinis officiis celebrandis, nisi concubitus ille habitus publicetur, ut dicunt iidem auctores et probatur in hoc lib. 6, n. 364, quia ecclesia non censetur polluta quoad celebrationem officiorum, nisi crimen sit notorium notorietate facti.—Lig. tom 6, n. 920.

VIII. Si absque urgente causa sit tempore indebito: 1. In magna solemnitate, ut paschæ, vel pridie communionis. Vid. M. Perez. d. 19, s. 2. 2. Quando uxor est gravida, saltem si sit periculum abortus. Nav. Sylv. Sanch. Conc. Fill. n. 337. Hoc enim si non sit, non erit autem mortale; quod enim tunc fine aut frustretur semen, non sequitur

tification of this nature. It is also to be observed that this is altogether illicit in a husband, who is bound by a vow of chastity, as is commonly said by Sanchez and others.—Lig. v. 6, n. 937.

If it (copulation) takes place in an improper place, as, for example, in a consecrated place, which would, in consequence, be defiled, or in public (see what is said on this point, book 3, num. 485), where we have said, with Navarrus, &c., that although it be probable, that sacrilege is not committed in consequence of conjugal copulation in a church, *if kept secret*, and that the church is not polluted; yet the contrary is more probable, unless there be a necessity, although the clergy are not, in that case, bound to abstain from celebrating divine service, unless the copulation there had been public, as say the same authors, and as is also *proved* in this book 6, n. 364, because the church is not held to be polluted, as regards the celebration of the services, unless the crime be *made* notorious through the publication of the deed.—Lig. vol. 6, n. 920.

If, without urgent cause, it (copulation) takes place at an improper time: 1st. At a great solemnity, as that of the Passover, or the day before communion. See Perez, &c.. 2. When the wife is pregnant, at least when there is danger of abortion. Nav. Sylv. &c. For if this be not the case, it will not at least be mortal sin, because that the seed



per se ex actu. Unde Dian. p. 3. tr. 1, r. 204, et Coninck. d. 34, dub. 9, nullum peccatum agnoscunt. 3. Cum uxor laborat fluxu menstruo. Quod tamen non esse mortale. contra Azor. docet Sanch. lib. 9. d. 21, n. 2. Imo aliqui apud Dian. l. c. ut pont. l. 10. c. 11, et c. 14, num. 5, et 6. docent nec veniale esse, si periculum urgeat, quod Sanchez. l. c. docet esse probabile; additque M. Perez, si ob finem honestum fiat, nullum esse; et teneri reddere debitum uxorem, si maritus exigat? Vide dist. 49, sess. 3.—Lig. tom. 6, n. 921.

Quæritur I. an liceat conjugii coire licet communionis? Vide quæ fusiùs diximus hoc l. 6, num. 274, et 275, ubi tenuimus esse veniale accedere ad eucharistiam die copulæ habitæ ob voluptatem, nisi excuset aliqua rationabilis causa. Si vero copula est habitæ causa procreandæ proles, vel etiam incontinentiæ vitandæ, tunc est sollemnis consilii S. communionis abstinere, ex cap. Si vir 7. Canus 33. q. 7. Et sic pariter est consilii abstinere die quo conjux reddidit debitum; a quo autem reddendo, ordinariè loquendo, propter communionem non potest eximi; nam aliquando potest honestis precibus resistere. Quid autem debeat confessarius respondere conjugii interroganti, an teneatur reddere die communionis? Vide d. n. 274. v. Quid. Sed post communionem sumtam nullum est peccatum reddere. An autem petere? Alii dicunt esse veniale: alii nullum. Vide ibid. verb. Die autem.—Lig. tom. 6, n. 922.

Quær. II. an diebus festis, vel jejuniis aut rogationum, sit illi-

is then frustrated of its end does not follow of itself from the act, whence Dian, &c. recognise no sin. 3. When the wife is troubled with the monthly terms. That this is not a mortal sin is taught by Sanchez, in opposition to Azor. Nay, some teach that it is not a venial sin, if danger be urgent, which Sanchez teaches to be probable; and it is added by M. Perez, that it is no sin, if it is done for an honest end, and that the wife is bound to pay the debt if the husband demands it. See dist. 49, sess. 3.—Lig. vol. 6, n. 921.

It is asked, I., whether it be lawful for a husband to have copulation on the day of communion? See what has been said at large in this book 6, num. 274 and 275 where it is maintained, that it is a venial sin to come to the eucharist on the day on which copulation has been had on account of pleasure, unless excused by some reasonable cause. But if copulation has taken place for the purpose of begetting offspring, or even of avoiding incontinence, in that case it is the solemn decree of the sacred council to abstain from communion. And, in the same manner, it is determined to abstain on the day on which the married party has paid the debt, from rendering which, ordinarily speaking, he or she cannot be exempted on account of communion, for sometimes it is right to resist legitimate entreaties. But what ought the confessor to answer to the married party who asks whether he be bound to render the debt on the day of communion? After partaking of communion, it is no sin to render the debt. But is it a sin to demand the debt? Some say it is a venial sin, others that it is no sin at all.—Lig. vol. 6, n. 922.

It is asked, II., whether conjugial copulation is unlawful on festival

citu actus conjugalis. Commune est non esse vetitum tunc debitum reddere cum D. Thoma Suppl. q. 64. a 7. ubi dicit: Cum mulier habeat potestatem in corpore viri, et e converso, tenetur unus alteri, debitum reddere quocunque tempore, et quacunque hora. An autem sit vetitum petere? Prima sententia affirmat; et hanc tenent D. Thom. loc. cit. art. 1. S. Ant. 3. p. tit. 1. c. 20. § 11. Concin. t. 10. p. 395. n. 10. item Mag. Sent. Alb. Palud. Gers. Sylv. Tab. etc. ap. Sanch. lib. 9. d. 12. n. 3. Hoc tamen sub culpa veniali, ut ait D. Thom. cum aliis, non vero sub mortali, ut aliqui improbabilius tenent apud Sanch. quia tempus sacrum non est circumstantia (ratio S. D.) trahens in aliam speciem peccati, unde non potest in infinitum aggravare. Rationem autem cur sit veniale, assignat idem Angelicus, dicens: Actus matrimonialis, quamvis culpa careat, tamen, quia rationem deprimit propter carnalem delectationem, hominem reddit ineptum ad spiritualia: et ideo in diebus in quibus præcipue spiritualibus est vacandum, non licet petere debitum. Secunda vero communior negat esse illicitum: et hanc tenent Sanch. lib. 9. d. 12. num. 5. cum S. Bon. Soto, Cajetan. etc. item. Pont. l. 10. cap. 9. per totum Salm. c. 15. num. 58. ac Boss. cap. 7. n. 84. cum Azor. Regin. Fill. Perez. etc. Ratio, quia id non habetur vetitum ullo jure, non divino, quia in festis sola opera servilia prohibentur; non ecclesiastico quia diebus festis et jejuniis, non obstante congressu maritali, possunt conjuges servare ea quæ sunt de præcepto. Quod si canones et sancti patres videantur iis diebus expresse prohibere usum conjugii, dicunt præfati A.A. id intelligi de consilio, non de præcepto, ut multis nitiuntur propare Sanchez cum Glossa in canones et aliis interpretibus.—Lig. tom. 6, n. 923.

days, or days of fasting or thanksgiving? It is generally supposed with St. Thomas, that it is not then forbidden to pay the debt, where he says, "Inasmuch as the woman has power over the body of the husband, and the converse, the one is bound to pay the debt to the other at any time and at any hour." But is it forbidden to ask it? The first opinion affirms this, and is maintained by St. Thomas in the above cited place. This, however, comes under venial sin, as is said by St. Thomas and others; but not under mortal sin, as others improperly maintain, with Sanchez, because, (according to St. Thomas) *Holy time is not a circumstance enticing to another species of sin, whence it cannot heighten infinitely.* But the same Saint assigns a reason why it should be venial, saying, "The matrimonial act, although it be freed from blame, yet, inasmuch as it takes away the reason, on account of carnal delight, renders a man unfit for spiritual things; and, for that reason, he ought not to demand the debt on those days on which he ought especially to be intent on spiritual things." But the second opinion, which is more general denies that it is unlawful; and this is maintained by Sanchez, &c. The reason is, because it is not forbidden by any law; neither by divine law, for on festival days *servile works only* are forbidden; nor by ecclesiastical law, because on festival days and fast days, the *marital encounter not opposing*, married parties may keep those things which are according to the commandment. But if the canons and the holy fathers seem, on those days, expressly to prohibit the use of marriage, the above-cited authors say that it is understood of the counsel, not of the precept, as is attempted to be proved by Sanchez and other interpreters.—Lig. vol. 6, n. 932.



Quær. III. an liceat coire conjugibus tempore prægnationis. Commune, est id non esse mortale, nisi adsit periculum abortus. Ita omnes cum Sanch. l. 9. d. 22, num. 3: Pont. l. 10, c. 14, n. 7: Salm. c. 15, num. 78; et Boss. cap. 9, n. 33; ex D. Augustino, De Bono Conjug. cap. 6, ubi: Conjugalis enim concubitus generandi gratia non habet culpam: concupiscentiæ vero satiandæ, sed tamen cum conjugē, propter fidem tori, venialem habet culpam.

"Censent autem Sylvest. Ang. et Tab. apud Sanch. l. c. n. I. adesse periculum abortus, si copula habetur circa initium conceptionis, quia ex novo coitu materia illa nondum plene formata, facile dispergitur; nam, licet matrix post conceptionem statim claudatur, tamen, ut ait Avicenna, ex vehementi delectatione coitus irritata, aliquando aperitur, et materia effunditur. \* \* \*

Tanto minus autem aderit tale periculum, si habeatur copula tempore proximo partui, ut perperam aliqui dixerunt, putantes tunc non exponi prolem discrimini suffocationis; nam verius, ut ait Boss. num. 60 cum Ryan. foetus humanus ita secundinis involvitatur; ut eum non possit semen contingere. Hinc ait Petrocor. t. 4. p. 447, periculum abortus non ita facile præsumendum; et ideo non esse vexandos conjugēs importunis interrogationibus, ut abstineant tempore prægnationis: Quæ enim (ait) spes eos a concubitu avocandi? et quale non timendum periculum, si a sua bona fide perturbentur?—Lig. tom. 6. n. 924

Quær. IV. An licitum sit conjugibus coire tempore menstrui. Hic prænotandum quod fluxus mulieris alius sit naturalis et ordinarius, et iste proprie dicitur menstruus, quia

It is asked III., Whether it be lawful for married people to have connection during pregnancy? It is the common opinion that that is not a mortal sin, unless there be danger of abortion. Thus all with Sanchez, &c. Because conjugal connection, for the sake of procreation, has not sin, but when exercised for the purpose of satisfying concupiscentia, but still with the consort, on account of the fidelity of the marriage bed, it is venial sin. It is also thought by Sylvester, &c., that there exists danger of abortion if connection be had about the beginning of conception, because from the new encounter, the matter not yet fully formed is easily dispersed; for, although after conception the matrix immediately closes, yet, as says Avicenna, when irritated by vehement delight caused by connection, it sometimes opens and the matter is poured out. \* \* \*

But there will exist so much the less danger of that nature (of abortion) if copulation be had at the time nearest to child-birth, as some have rashly said, who think that then the child is not exposed to the danger of suffocation. But more truly, as say Boss., &c., the human foetus is so wrapped in the secundines that the semen cannot touch it. Hence, says Petrocor. t. 4. p. 447, danger of abortion ought not so easily to be presumed, and that, therefore married parties ought not to be harassed by vexatious questions that they should refrain during the time of pregnancy. "For what hope is there," says he, "of withdrawing them from sexual intercourse, and what danger is not to be apprehended if they are disturbed from their own good faith."—Lig. vol. 6, n. 924.

It is asked, 4th, Whether it be lawful for married persons to copulate at the time of the monthly courses? Here it is to be remarked, that the woman's flux is sometimes natural

communiter singulis mensibus solet in feminis accidere, et durat ut plurimum per duos vel tres dies. Alius extraordinarius, proveniens ex aliquo morbo diuturno qui aliquando durat usque ad duodecim dies et ultra. Tempore fluxus extraordinarii certum est licere tam reddere quam petere. Ita communiter Sanchez l. 9. d. 21. n. 7. Pont. l. 10. c. 14. n. 6. Holzm. num. 462. Salm. c. 15. n. 76. et Boss. cap. 9. n. 13. cum Azor. Reb. Fill. Hurtad. etc. ex divo Thom. in 4. d. 32. q. unic. art. 2. q. 2 ubi expresse hoc docet, et rationem adducit, dicens: In fluxu menstruum innaturali non est prohibitum ad menstruatam accedere in lege nova, tum propter infirmitatem, quia mulier in tali statu concipere non potest; tum quia talis fluxus est perpetuus et diuturnus, unde oportet, quod vir perpetuo abstinere. Tempore autem fluxus naturalis adsunt tres sententiæ. Prima damnat coitum de mortali; et hanc tenent idem D. Thom. loc. cit. q. 3. ad 1. ubi dicit tempore hujus menstrui peccare mortaliter tam virum voluntarie petentem, quam uxorem voluntarie reddentem: excipit si mulier quasi coacta debitum redderet. Eandem sententiam tenent S. Ronc. Alens Sotus, Tab. Pallac. etc. apud Boss. c. 9. n. 16. Probatur 1. ex Levit. cap. 20. v. 18. ubi dicitur: Qui coierit cum muliere in fluxu menstruo; et revelaverit turpitudinem ejus, ipsaque, aperuerit fontem sanguinis sui, interficientur ambo. Obliciunt huic Sanch. l. c. n. 2, et Boss. n. 16. quod lex illa fuerit ceremonialis, et ideo non obliget in lege evangelica. Sed respondet D. Thom. dict. q. 2. quod licet illud præceptum fuerit ceremoniale quoad immunditiam, fuerit tamen morale quantum ad nocumentum (verba S. D.) quod in prole ex hujusmodi commixtione frequenter sequebatur. Probatur 2. ex can. fin. dist. 5. ubi Gregor. Papa: Cum et sine partus causa, cum

and ordinary, and that is properly called monthly, because it generally happens to females every month, and lasts commonly for two or three days. The other flux is extraordinary, arising from some chronic disease, which sometimes lasts even for 12 days or more. At the time of extraordinary flux it is admitted to be lawful both to demand and to pay the debt. Thus commonly, Sanchez, &c., where he expressly teaches this, and adduces as a reason, saying, "In an unnatural flux of the monthly courses, it is not prohibited in the new law to have access to a woman during her terms, both on account of infirmity, inasmuch as a woman in that condition cannot conceive, and because such flux is perpetual and lasting, whence it behooves that a man should perpetually abstain." But concerning the time of the natural flux there are three opinions. The first condemns copulation as mortal sin; and this is maintained by the divine Thomas in the quoted place, where he says that both the man who voluntarily demands, and the wife who voluntarily pays, the debt at the time of this flowing, commit mortal sin. He makes an exception if the woman pays the debt, being, as it were forced thereto. The same opinion is maintained by S. Ronc. &c. It is proved, 1st, from Levit. c. 20, v. 18, where it is said, "He who lies with a woman having her sickness, and shall uncover her nakedness, and she shall uncover the fountain of her blood, they shall be both put to death." To this an objection is raised by Sanchez, &c., that this was the ceremonial law, and therefore is not obligatory in the evangelical law; but this is answered by St. Thomas, that although that precept was ceremonial as touching uncleanness, yet that it was moral as touching the injury which frequently followed in the offspring from commixture



(uxores) in coeunctis menstruis detinentur, viris suis misceri prohibentur. Probatur 3. ratione, tum quia proles eo tempore nascitura exponitur periculo nascendi leprosa, et monstruosa; tum quia adest periculum semen frustra effundendi, cum raro vel nunquam eo tempore mater sit apta conceptioni.

*of this kind.* It is proved, 2nd, where Pope Gregory says, "When they (the wives) are detained in their accustomed terms, both on account of child-birth and otherwise, let them be prohibited from copulating with their husbands. It is proved 3rd, by the reasons, both because the offspring about to be born at that time is exposed to the danger of being born leprous, and monstrous; and because there is danger of spilling seed in vain, since the mother is rarely or ever fit for conception at that time.

The *second* opinion, totally opposed to this, says that access to a woman in her terms is free from all blame; this is maintained by many authors, and Sanchez thinks this equally probable as the third opinion, to which we shall presently refer. The reason is, because it is at this day by no law prohibited, nor by divine law, since on the coming of the *new*, the Levitical law has already ceased. And it is said that it is no obstacle, because that prohibition has not ceased, for as much as it was moral on account of avoiding danger to the offspring. For they answer that St. Jerome in Ezech. 18, affirms that the reason of the prohibition in Leviticus was, that at that time, in consequence of the woman's blood being infected by copulation, the foetus was born leprous and afflicted with *elephantiasis*. But in these days it is uncertain that that danger exists, and it is much more certain that a woman does not conceive during the time of her terms, as is said by Sanchez, &c.; and lastly that, although she may conceive with some danger to the offspring, it is said by Sanchez, that that is no obstacle; because, it is better that offspring should be born thus, than not be born at all; for perhaps afterwards it might not be born, or might not

Secunda sententia, totaliter opposita dicit accessum ad menstruatam omni culpa carerem; hanc tenent Glossa in can. Si caus. v. Conceptus 33. q. 14. item Perez, Fill. et Hurtad. apud Boss. n. 20. eamque Sanch. lib. 9. d. 21. n. 7, putat æque probabilem ac tertiam, quam mox referemus. Ratio, quia hodie id nullo jure prohibetur; non divino cum Lex Levitica, adveniente lege nova jam cessaverit. Nec ob stare dicunt, quod prohibitio illa non cessaverit, quatenus fuit moralis propter vitandum damnum prolis: nam respondent, quod testetur S. Hier. in 18 Ezech. rationem prohibitionis in Levitico fuisse, quia illo tempore, ob sanguinem femineum infectum ex coitu, foetus leprosi, et elephantiaci nascebantur: sed hodie incertum est adesse damnum, et multo certius est mulierem tempore menstrui non concipere, ut dicunt Sanch. Pal. Boss. et Salmantic ll. cc. ac demum, etiamsi concipiat cum aliquo damno prolis, dicunt Sanch. 1. 9. d. 21. n. 7. et Boss. c. q. n. 22. id non ob stare, quia melius est prolem sic nasci, quam non nasci; forte enim postmodum non gigneretur, vel non esset eadem proles, unde proles beneficium recipit, non damnum; nec obstat dicere, quod, si non proli, saltem sic inferatur damnum naturæ quæ postulat ut proles modo con-

venientiori generetur: nam respondent, quod, si non inferatur damnum proli, neque inferitur naturæ. Non prohibetur igitur jure divino; non jure ecclesiastico, nam ad textum Gregorii respondet Pontius l. 10. c. 14. n. 6. prohibitionem illam ecclesiasticam hodie exolevisse; imo verbum illud Pontificis, "prohibeantur," explicatur ab aliis ut dicit ibi Gloss. "prohibeantur, id est, sub forma prohibitionis dissuadeantur." Nec jure naturali, quia, licet sit facile periculum eo tempore frustrandi semen, tamen ad coitum coonestandum non requiritur, ut ex eo sequatur generatio, sed sufficit, quod coitus ille per se sit aptus generationi, esto per accidens semen dispergatur, ut accidit in accessu ad mulierem prægnantem, aut sterilem. Neque (aiunt) in tali coitu adest indecentia culpabilis: nam, ut dicit Per., illa est potius materialis. Hinc, concludunt nullo modo peccare conjuges, si eo tempore coeant, non jam ex affectu libidinis (quod non posset excusari a veniali,) sed ut utantur jure suo cum moderata delectatione.

be the same offspring. Whence the offspring receives benefit and not injury! Nor is it any obstacle to say, that if danger is not caused to the offspring, it is at least to nature, which requires that the offspring should be born in the most convenient manner; for it is answered that if no danger is caused to the offspring, neither is any inflicted on nature. It is prohibited, then, neither by the divine, nor the ecclesiastical law, for to the text of Gregory it is answered by Pontius, that that ecclesiastical prohibition is at this day obsolete; nay, that very saying of the Pontiff, "*Let them be prohibited*," is explained by some, as says the Gloss. in that place—*Let them be prohibited,—that is, let them be dissuaded under the form of prohibition.* Nor by the natural law, because although the danger of frustrating the seed is at that time easy, yet in order to render copulation honorable, it is not required that generation should follow therefrom, but it is sufficient that that copulation should of itself be fit for generation, although by accident the seed may be wasted, as happens in the case of copulation with a pregnant or barren woman. Nor (as they say,) *is there in such copulation culpable indecency*; for, as says Per., that is rather *material*. Hence they conclude that married parties in no degree sin if they copulate at that time; not in this instance from affecting lust (which could not be excused from a venial sin), but in order that they may enjoy their privilege with moderate delight.

Tertia demum sententia, communissima et probabilior, dicit coitum tempore menstrui non esse mortale, sed non excusari a veniali. Ita S. Anton. 3. part. tit. 1. c. 20. § 3. Nav. cap. 16. num. 32. Conc. p. 398 n. 20. &c., &c. Non sit mortale,

The *third* opinion—the most common and the more probable—declares that copulation at the time of the *terms* is not a *mortal*, but cannot be excused from a *venial* sin. So St. Anton. &c. That it is not a mortal sin, is proved by the *second*



probat ratio adducts, mox supra pro secunda sententia. Quod autem sit veniale, probatur, quia talis concubitus, cum nolint conjuges expectare tempus generationi aptius, et jam brevi adventurum, involvit quandam turpitudinem, et deordinationem, cum femina tunc sit inepta commadæ receptioni et retentioni seminis, et ideo coitus tunc minus convenit fini generationis. Conveniunt autem Nav. Pal. Sanch. Salm. ll. cc. et. Boss. num. 15. cum. Hurt. quod nullum sit peccatum coire tali tempore si adsit aliqua causa turpitudinem illam cohonestans, nempe, ad vitanda dissidia, aut incontinentiam in se vel in altero, aut alia similia. An autem casu quo nulla adsit causa uxor menstruata possit et teneatur debitum reddere, si maritus monitus nolit desistere? Affirmant Pal. p. 4. § 4. n. 9. cum Con. Salm. et Sanch. d. 21. n. 96. qui citat pro se etiam D. Thom. d. 32. art. 2. q. 3. sed non bene, ut mox videbimus. Verum probabilius negandum cum Pontio et Bonae. qui citat Sylv. &c.—Lig. tom. 6, n. 925.

#### ON THE IMPEDIMENT OF AFFINITY.

Oritur ex carnali copula perfecta.

Quid est affinitas? Est propinquitatis personarum orta ex copula carnali: per illam vir fit affinis consanguineis mulieris, et mulier consanguineis viri; cum enim per copulam vir et mulier fiant una caro, uterque tangit consanguineos alterius, et eos sibi facit affines.

Fundamentum itaque affinitatis est copula carnalis, sive matrimonialis, sive extra-matrimonialis: ut tamen copula carnalis affinitatem inducat, debet esse consummata in vase debito cum emissionem seminis

reason which has been just above adduced for the second opinion. But that it is a venial sin is proved, inasmuch as such copulation, since married parties refuse to wait for a time more fit for generation, and which would very shortly arrive involves a certain degree of turpitude and inordinate desire, inasmuch as the female is then unfit for the advantageous reception and retention of the seed, and for that reason copulation is the less adapted for the end of generation. But it is agreed by Nav. &c., that it is no sin to have copulation at such time, provided there exists some cause rendering honorable that turpitude, viz., to avoid dissension, or incontinence in either party, or other like causes. But in a case in which no cause exists, can a woman during her terms, and is she bound to pay the debt, if her husband, forewarned, refuses to desist? It is affirmed by Pal. &c., but not well, as we shall presently see. But it is more probably to be denied, with Pontius, &c.—Lig. v. 6, n. 925.

It arises from perfect carnal copulation.

What is affinity? It is a relationship of persons, arising from carnal copulation: by it the man becomes allied to the blood-relations of the woman, and the woman to the blood-relations of the man; for, when by copulation the man and woman become one flesh, each touches the blood-relations of the other and becomes allied with them.

Therefore the foundation of affinity is carnal copulation, whether it be matrimonial, or extra-matrimonial; however, that carnal copulation may occasion affinity, it ought to be consummated in the proper

virilis intra illud, seu quod idem est, debet esse apta generationi: ita post S. Thom. Suppl. q. 55. art. 4. ad 2. et Auctores communiter.

Et hinc non exurgit affinitas ex copula sodomitica, neque ex illa, quæ habita fuit citra seminationem viri.

Contra oritur affinitas ex copula inter senes et steriles habita: quia illa de se generationi apta est, et ex ea vir et mulier fiunt una caro.—Dens. tom. 7, p. 239.

passage with the emission of man's seed within it, or what is the same thing, it ought to be fit for generation: as St. Thomas and others authors commonly say.

And hence affinity does not arise from sodomitic copulation, nor from that which has been had without the man's spending.\*

On the contrary, affinity arises from carnal copulation between the old and the barren, because that is of itself fit for generation, and from it man and woman become one flesh.—Dens. v. 6, p. 239

#### ON IMPOTENCE, AND WHEN IT INVALIDATES MATRIMONY.

Quid est impotentia?

R. Est incapacitas perficiendi copulam carnalem perfectam cum seminatione viri in vase de se debito, seu de se aptam generationi.

Dividitur in impotentiam naturalem et accidentalem, in perpetuam et temporalem, in absolutam et respectivam, in antecedentem et consequentem.

Absoluta dicitur, quæ est respectu omnium; quali laborant frigidi: respectiva vero, est respectu aliquarum personarum tantum, ut si mulier sit nimis arcta respectu unius viri, non respectu alterius.—Dens. tom. 7, p. 273.

Ex dictis patet spadones et eunuchos utroque testiculo carentes non posse matrimonium inire valide. Unde Sixtus V. matrimonia ad hujusmodi eunuchis in Hispania con-

What is impotence?

Answer. It is an incapacity to perform perfect carnal copulation with a seminal emission from the man into the vessel duly appointed for that purpose, or such copulation as is, in its own nature, fit for generation.

Impotence is divided, into natural and accidental, into perpetual and temporal, into absolute and respective, into antecedent and consequent.

Absolute impotence is that which is in respect to all; such as the frigid labor under: but respective impotence is that which is in respect to some person only, as if a woman be too tight in respect to one man but not in respect to another.—Dens. v. 7, p. 273.

From what is said, it is clear that geldings and eunuchs who want both testicles cannot validly enter into matrimony. For which reason Sixtus the 5th decreed that the

\* According to this doctrine, if a man has natural connection with a woman, he cannot marry her sister; but if he commits sodomy with the one, he can marry the other: or if he has only partially committed fornication with the one (i. e., had begun the act, but was not received into full connection), then also it is no impediment to his marrying the other sister; as from these two sources of refined gratification affinity does not exist.



tracta irrita esse decernit; secus enim si alterutro duntaxat testiculo careant.

Senes et steriles valide contrahant; Si tamen quis ita senio decrepatus sit, ut intra vas seminare nequeat, impotens censeri debet.

An si mulier contracto matrimonio reperiatur nimis arcta, pati debet incisionem?

R. Si non possit sine periculo vitæ viro aptari, matrimonium est invalidum; adeoque certe incisionem pati nec debet nec potest: si vero sine periculo vitæ incisionem fieri possit matrimonium erit validum, tenebiturque mulier incisionem pati, præsertim si idem sit chirurgus qui conjux; nisi ex incisione illi notabile morbi periculum subiret, cum quo, uti non tenetur debitum reddere, ita nec incisionem pati.

Quid si impotentia proveniat ex debilitate viri, qui copulam cum virgine habere nequeat, sed bene cum corrupta?

R. S. Thomas supra quæst. 58, art. ad. 5, censet quod tali casu vir debeat medicinaliter aliquo instrumento claustra pudoris frangere, et ita uxori suæ conjungi: hoc tamen intelligi debet si id fieri possit sine peccato aut vitæ periculo. Multi interim putant, virginem ad hoc permittendum (licet ex charitate citra grave incommodum teneri possit) ex justitia non obligari; quia impotentia non tam se habet ex parte virginis, quam ex parte viri debilioris. —Dens, tom. 7 pp. 275-6.

Impotentia dirimens. Illa hic in-

marriages contracted by this sort of eunuchs in Spain were null and void; for it were otherwise if they wanted but one testicle only.

Men, old and barren, may validly contract marriage; if, however any one be so decrept from old age as not to be able to spend within the vessel (or passage), he ought to be considered impotent.

If a woman, upon having contracted matrimony, be found *too tight*, ought she to suffer incision.

Answer. If she cannot, without danger to her life, be *fitted* to the man, the marriage is invalid; and therefore she neither ought nor can suffer incision: but if, without danger to her life, the incision can be made, the matrimony will be valid, and the woman will be bound to submit to the incision, particularly if her husband be a surgeon; unless from that incision there should follow a notable danger of disease, with which (danger) as she is not bound to render marriage duty, so neither is she bound to suffer the incision.

What if the impotence should arise from the debility of the husband, who is unable to copulate with a virgin, though he can do it well with a woman who had been previously deflowered?

Answer. St. Thomas thinks that in such case the husband ought medicinally to break the barriers of her virginity with some instrument, and so have connection with his wife: this, however, ought to be understood, if it can be done without sin or danger to life. Many, however, are of opinion, that the virgin (though in charity bound to submit without grievous inconvenience) is not in justice obliged to permit this, because the impotence is not so much on the part of the virgin, as on the part of the man who is too weak. —Dens, v. 7, pp. 275-6.

Invalidating impotence. That is

telligenda est, quæ sexuum copulam impedit per quam quæ personæ fiant una caro: non fiunt autem una caro, nisi cum vir intra vas mulieris semen immitit. Alioquin enim non consummatur matrimonium neque inducitur ulla sive ex delicto, sive sine delicto affinitas, etiamsi fuerit viri pars genitalis intra vas feminae.

Quamobrem eunuchi, quamvis aliqui eorum possint vas feminae ingredi nullatenus sunt matrimonii capaces ob defectum seminis prolifici. Idemque sentiendum de illis quibus attritus est uterque testiculus; sed illi, quibus unus superest illæsus, matrimonium inire possunt, quia sunt adhuc seminandi capaces. Femina nulla habet impotentiam derimentem, nisi quatenus est arcta, non valens intra se recipere semen viri: solaque feminae ad seminandum impotentia non inducit impedimentum, quia foemineum semen non censetur ad generationem necessarium. —Cabassutius, p. 313. Ed. Lugd. 1709.

His aliqui adjungunt aliud impotentiae genus ex nimio viri calore, quo fit, ut effundatur semen antequam perfecta fuerit copula. Sed raro usu venit ut hinc oriatur perpetuum impedimentum quamvis enim sæpius contingeret, ut multi congressus aut conatus conjugum sine debita seminatione fierent, contingeret talem aliquando, ut aliquis ex multis conatibus non frustretur hoc effectu. Præterea futurum quandoque est, ut nimius ardor longiore consuetudine et temporum progressu defervescat. Denique sufficere potest ad consummatam copulam, si pars aliqua seminis intromittatur.

to be understood here which impedes the copulation of the sexes, by which two persons become one flesh; but they do not become one flesh, unless when the husband injects seed within the vessel of the woman. For otherwise matrimony is not consummated, nor is any affinity induced, either with or without sin, although the genital part of the man may have been within the vessel of the woman.

Wherefore eunuchs, although some of them are able to enter the vessel of the woman, are by no means capable of marriage, in consequence of defect of prolific seed; and the same thing is to be observed of those who have had both of their testicles bruised; but those who have *one* remaining uninjured are able to enter matrimony, because they are still capable of spending. No woman has invalidating impotency, unless in so far as she is *tight*, not being able to receive within herself the seed of the man; and the impotence of the woman to spend does not alone induce impediments, because the female's seed is not considered necessary for procreation. —Cabassutius, p. 313. Lugd. Ed. 1709.

To these some add another kind of impotence, from the too great heat of the man, by which it comes to pass that the seed is emitted before copulation has been perfected. But it seldom happens in practice that perpetual impediment should hence arise; for although it might oftentimes happen that many encounters or attempts of the married parties may take place without due spending, yet it will sometime happen that one of the many efforts should not be frustrated of this effect. Besides, it will at length happen that from long custom, and in progress of time, this too great heat will cool down. Lastly, it may suffice to perfect copulation that some portion of the seed be introduced.



Duplex est impotentia distinguenda. Una quidem perpetua. Altera temporalis. Præterea alia est impotentia absoluta, id est, respectu omnium; alia respectiva, per quam aliquis est impotens habito respectu ad certas quasdam personas, sed potens respectu aliarum. Sic enim potest femina esse naturaliter arcta respectu quorundam, sed non omnium virorum. Quinetiam potest aliquis esse impotens respectu virginum, non vero respectu viduarum.—Cassutius, p. 314.

Hand facil credendum est mulieri de viri sui impotentia, sed ad ipsius querelam seorsum primum singuli conjuges interrogandi sunt et præmisso juramento eorum responsiones in scripta redigendæ. Deinde seorsum vocandi singulorum conjugum propinqui, ut si quid hæc de resciverint hoc deponant. His succedit decretum inspectionis sexum, feminae quidem per obstetrices jurejurando adactas, viri autem per medicos et chirurgos similiter juratos. Si nec sic quidem constet virum esse prorsus impotentem, jura decernunt experiendi et explorandi gratia trium annorum cohabitationem. Si nullatenus probari potest feminae conquerentis intentio, et vir se neget impotentem, partesque ad copulam requisitas habeat integras et illæsas, quod per chirurgos juratos ita refertur, viro potius quam mulieri credendum est post præstitum juramentum; hoc uno excepto si mulier se virginem esse probet ex aspectu corporis et matronarum attestatione; hæc enim probatio potior est quam mariti contraria assertio, etc. Cassutius, pp. 314-320.

Impotence is of two kinds. One, indeed, perpetual. The other temporary. Besides, one kind of impotence is absolute—that is, in respect of all; the other respective, by which a man is impotent with respect to some particular persons, but capable with respect to others. For thus a woman may be naturally *tight* with respect to some, but not all men. Moreover, a man may be impotent with respect to virgins but not with respect to widows.

Credit should not easily be given to a woman respecting the impotence of her husband, but the married parties are first to be interrogated separately respecting her complaint, and an oath being taken, their answers are to be reduced to writing. Afterwards the relatives of each of the parties are to be called separately in order that they may depose whatever they know concerning this thing. After this follows a decree for an examination of the sexes—of the woman indeed by midwives bound by oath, and of the husband by physicians and surgeons similarly sworn. If it does not even thus appear evident that the man is entirely impotent, the laws decree cohabitation for three years, for the purpose of experimenting and investigating. If the charge of the complaining woman cannot even yet be proved, and the husband denies his impotence, and has the parts necessary for copulation whole and unhurt, which may be referred to the surgeon thus sworn, credence is to be given to the husband rather than to the wife, after an oath has been administered: with this sole exception, if the woman proves herself to be a virgin from the appearance of her body and the attestation of the matrons; for this proof is preferable to the contrary assertion of the husband.—Cassutius, p. 314-320.

NOTE.—The following is the challenge of Rev. E. M. O'CALLAGHAN, Roman Catholic Priest, of this city, to the Editor of the *Courier*, which was published in that journal, March 4th, 1868. The result is the present work, which, being too grossly obscene for appearance in the columns of a newspaper, it was deemed best to publish in pamphlet form. *Romish errors* having been called for, by a *Priest*, the publisher has no apology to make for exhibiting the naked deformity of so vile a system as the Romish Confessional. Lest any should doubt the authenticity of the extracts quoted, \$1,000 is here offered to any person who will prove them not taken from the works of Romish authors.

The work was originally compiled in England, and published by the "Protestant Electoral Union," London; and over fifty thousand copies were speedily sold to the masses.

P. O'CONNOR,

Youngstown, O., December 5, 1868.

Editor *Mahoning Courier*.

" \* \* As you are so anxious to guard the American people against the errors of Rome, why not take these errors one by one and expose them in a series of articles? Of course you'll be magnanimous enough to permit some "Romanist" to defend his superstitions if he can; you will allow him the same space you will take yourself, and both parties must stick to argument, no jumping, no assertion, no appeal to prejudice, but proof, facts and stern logic. Very likely no "Romanist" will be found rash enough to measure arms with you, and the tottering walls of Babylon must soon crumble before the powerful battery of your reason. Do this and you will deserve to be enshrined in the affections of the American people as the savior of their country. If you do it not, your timidity will work very unfavorably against you, and people will begin to entertain the idea that it is better for your own credit to remain silent in future.

"E. M. O'CALLAGHAN."